

*State of Iowa*

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# **Administrative**

# **Code**

# **Supplement**

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The Iowa Administrative Code Supplement is published biweekly pursuant to Iowa Code sections 2B.5A and 17A.6. The Supplement contains replacement chapters to be inserted in the loose-leaf Iowa Administrative Code (IAC) according to instructions included with each Supplement. The replacement chapters incorporate rule changes which have been adopted by the agencies and filed with the Administrative Rules Coordinator as provided in Iowa Code sections 7.17 and 17A.4 to 17A.6. To determine the specific changes in the rules, refer to the Iowa Administrative Bulletin bearing the same publication date.

In addition to the changes adopted by agencies, the replacement chapters may reflect objection to a rule or a portion of a rule filed by the Administrative Rules Review Committee (ARRC), the Governor, or the Attorney General pursuant to Iowa Code section 17A.4(6); an effective date delay or suspension imposed by the ARRC pursuant to section 17A.4(7) or 17A.8(9); rescission of a rule by the Governor pursuant to section 17A.4(8); or nullification of a rule by the General Assembly pursuant to Article III, section 40, of the Constitution of the State of Iowa.

The Supplement may also contain replacement pages for the IAC Index or the Uniform Rules on Agency Procedure.

# **INSTRUCTIONS**

## **FOR UPDATING THE**

### **IOWA ADMINISTRATIVE CODE**

Agency names and numbers in bold below correspond to the divider tabs in the IAC binders. New and replacement chapters included in this Supplement are listed below. Carefully remove and insert chapters accordingly.

Editor's telephone (515)281-3355 or (515)242-6873

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Replace Analysis

Replace Chapter 26

#### **Human Services Department[441]**

Replace Chapter 113

#### **Racing and Gaming Commission[491]**

Replace Analysis

Replace Chapter 3

Replace Chapter 6

#### **Natural Resource Commission[571]**

Replace Chapters 98 and 99

Replace Chapter 106

Replace Chapter 108

#### **Professional Licensure Division[645]**

Replace Chapter 81

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Replace Chapter 141

Replace Chapters 180 and 181

Replace Chapter 200

Replace Chapter 206

Replace Chapter 240

#### **Public Safety Department[661]**

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Replace Chapter 278

Replace Chapter 506



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Editorially transferred from [120] to [61], IAC Supp. 1/28/87

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CHAPTER 26  
REGULATION OF PHYSICAL  
EXERCISE CLUBS

**61—26.1(552) Filing.** Information required to be filed by the physical exercise club statute, Iowa Code chapter 552, or these rules shall be submitted to the Office of the Attorney General, Consumer Protection Division, Hoover Building, Second Floor, Des Moines, Iowa 50319. When these rules require that a document be filed by a specific time, that requirement is met by delivery to this office, by delivery to an established courier service for immediate delivery, or by mailing within the required time period provided that the document is accompanied by adequate proof of mailing. Adequate proof of mailing includes the following: a legible United States Postal Service postmark on the envelope, a certificate of service signed by an attorney, or a certification in the following form:

I certify under penalty of perjury and pursuant to the laws of Iowa that, on (date of mailing), I mailed a copy of (describe document) addressed to the Office of the Attorney General, Consumer Protection Division, Hoover Building, Second Floor, Des Moines, Iowa 50319, by depositing the same in a United States Post Office mailbox with correct postage properly affixed.

(Date)

(Signature)

**61—26.2(552) Definitions.** The terms used in these rules have the definitions found in Iowa Code section 552.1.

**61—26.3(552) Registration.** Rescinded ARC 5076C, IAB 7/1/20, effective 8/5/20.

**61—26.4(552) Escrow.**

**26.4(1) *Who must establish escrow accounts.*** A physical exercise club or its assignee or agent that accepts prepayments shall deposit all of the funds received as prepayments in an escrow account established with a financial institution located in this state whose accounts are insured by the federal deposit insurance corporation, the national credit union administration, or the federal savings and loan corporation, which shall hold the funds as escrow agent for the benefit of the buyers that prepay. The physical exercise club shall deposit all prepayments received at least biweekly and shall make the first deposit not later than the fourteenth day after the day on which the physical exercise club accepts the first prepayment.

**26.4(2) *Material to be submitted.*** A physical exercise club or its assignee or agent, as defined in Iowa Code section 552.1(5), that accepts prepayments shall submit to the attorney general's office at the address indicated in rule 61—26.1(552) the following:

*a.* If an escrow account is established, a notarized statement that identifies the financial institution in which the prepayments are held in escrow, the name and account number in which the account is held, and a copy of the escrow agreement.

*b.* If a bond is posted in lieu of establishing an escrow account, a copy of the bond.

*c.* The date the first contract was signed.

*d.* A customer list with current addresses and telephone numbers shall be submitted biweekly.

**26.4(3) *Submission date.*** The material as set forth in 26.4(2) shall be submitted not later than the fourteenth day after the first prepayment is received.

**26.4(4) *Release of escrow.*** The physical exercise club shall give notice to the consumer protection division at least ten days before it plans to request the release of the funds held in escrow. The financial institution shall not release the escrow account without verification from the consumer protection division that it has received this notice. Release procedures shall not begin until after verification from the consumer protection division that the physical exercise club is fully open for business. These release provisions shall be included as part of the escrow agreement.

**26.4(5) Buyer's right.** The buyer retains ownership of all moneys and interest held in escrow under these rules. These rules do not limit a buyer's right to cancel and receive a refund pursuant to Iowa Code section 552.5, or 537.3310, if applicable.

**26.4(6) Hearing.** If the escrow agent fails to make full refund to a buyer when required by Iowa Code section 552.13 or either the buyer or seller contests the consumer protection division's determination as to whether or not the physical exercise club is fully opened for business, the attorney general's designee shall hold a hearing and determine whether the physical exercise club has fully opened and has remained open for 30 days, and if not, determine those persons who, as buyers are entitled to a refund and, if appropriate, distribute the escrow proceeds. A hearing can be held on motion by the consumer protection division or a request by other parties. This rule shall not preclude the attorney general from taking other appropriate legal action to protect the interest of the buyer or other parties pending the outcome of the hearing.

**26.4(7) Notice of hearing.** The physical exercise club shall be provided notice of hearing at its place of business. All buyers who have funds in the escrow account shall be provided notice of the hearing at their last-known address with costs assessed to the physical exercise club. Notice of hearing will include:

- a. The date, time, place and nature of the hearing.
- b. A statement that the party may be represented by legal counsel.
- c. A statement of the legal authority and jurisdiction under which the hearing is to be held.
- d. A reference to the statute or rules involved.
- e. A short and plain statement of the matters asserted.

**26.4(8) Conduct of hearings.** Hearings under this rule will be conducted as contested case proceedings under the Iowa administrative procedure Act. These hearings will generally be conducted according to the following format, subject to modification at the discretion of the presiding officer:

- a. The representative of the consumer protection division may make an opening statement.
- b. The respondent(s) may make an opening statement or may elect to reserve the opening statement until just prior to the presentation of evidence by the respondent.
- c. The evidence on behalf of the consumer protection division is presented.
- d. The evidence on behalf of the respondent(s) is presented.
- e. Rebuttal evidence, if any, on behalf of the consumer protection division is presented.
- f. Rebuttal evidence, if any, on behalf of the respondent(s) is presented.
- g. Each party may make a closing argument.

**26.4(9) Continuances.** No ex parte continuance shall be granted to any party.

**26.4(10) Discovery and subpoenas.** The provisions of Iowa Code section 17A.13 relating to discovery and subpoenas shall govern in contested cases held pursuant to these rules. If the department of inspections and appeals provides an administrative law judge to conduct the hearing, the provisions of 481—4.5(17A) shall not apply.

**26.4(11) Proposed decision.** The presiding officer will render a proposed decision which shall be in writing or stated in the record. The decision may include any of the following:

- a. Finding that the physical exercise club has fully opened for business.
- b. Finding that the physical exercise club has not fully opened for business.
- c. Finding that the physical exercise club has not remained open for 30 days.
- d. A determination of those persons who, as buyers, are entitled to a refund.
- e. Distribution of the escrow proceeds.

**26.4(12) Further review.** Any party who is adversely affected by a proposed decision or the consumer protection division may seek further review with the attorney general by complying with the following procedure:

- a. A request for further review must be filed with the attorney general within 20 days of the date of the proposed decision.
- b. Within ten days after filing the request for further review, the requesting party must file written exceptions to the proposed decision and must set forth the specific relief requested as well as all of the grounds upon which the request for relief is based. The party seeking further review may also file a written brief and argument along with its exceptions.

c. The opposing party has 14 days following service of the exceptions to file a responsive brief and argument if desired.

d. In the event that a party does not seek further review, the proposed decision shall become the final decision.

**26.4(13) Notification of decision.** The physical exercise club shall be promptly furnished with a copy of any final or proposed decision either by personal service or by certified mail. All buyers who have funds in the escrow account shall be furnished with a copy of any final or proposed decision by ordinary mail at their last-known address.

**26.4(14) Judicial review.** A party who has exhausted administrative remedies may seek judicial review of the decision pursuant to the Iowa administrative procedure Act.  
[ARC 5076C, IAB 7/1/20, effective 8/5/20]

**61—26.5(552) Bond.**

**26.5(1) Bond required.** A physical exercise club that accepts prepayments and does not establish an escrow account must post a bond in the amount of \$150,000 with the office of the attorney general, in a form deemed acceptable by the attorney general.

**26.5(2) Notice.** Notice of the existence of the bond must be disclosed to the buyer in the physical exercise club contract.

**26.5(3) Collection on the bond.** Either the attorney general or a buyer may collect on the bond in the same manner and on the same terms as provided for an escrow account. The aggregate liability of the surety for all refunds shall not exceed the amount of the bond. If refunds exceed the amount of the bond, distribution will be on a pro-rata basis.

**61—26.6(552) Certification.** Upon application by the physical exercise club, the attorney general may certify that a physical exercise club is fully open for business if substantially all of the promised equipment and services are available for use and the physical exercise club has made a diligent effort to provide the remaining equipment and services.

**61—26.7(552) Notification to financial institution.** The physical exercise club shall notify the financial institution at the time the escrow account required by subrule 26.4(1) is opened that the escrow account is being established pursuant to Iowa Code chapter 552C. After the material has been submitted by the physical exercise club as required in subrule 26.4(2), the consumer protection division shall notify the financial institution of the release procedures to be followed by the financial institution.

These rules are intended to implement Iowa Code chapter 552.

[Filed emergency 9/23/88—published 10/5/88, effective 9/23/88]

[Filed 9/21/89, Notice 6/14/89—published 10/18/89, effective 11/22/89]

[Filed ARC 5076C (Notice ARC 5030C, IAB 5/6/20), IAB 7/1/20, effective 8/5/20]





CHAPTER 113  
LICENSING AND REGULATION OF FOSTER FAMILY HOMES

[Prior to 7/1/83, Social Services [770] Ch 113]

[Prior to 2/11/87, Human Services[498]]

**441—113.1(237) Applicability.** This chapter specifically relates to the licensing and regulation of foster family homes. Refer to 441—Chapter 112 for general licensing rules and regulations which apply to all foster care facilities, including foster family homes.

This rule is intended to implement Iowa Code chapter 237.

**441—113.2(237) Definitions.**

*“Age- or developmentally appropriate activities”* means activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group; and in the case of a specific child, activities or items that are suitable for the child based on the developmental stages attained by the child with respect to the cognitive, emotional, physical, and behavioral capacities of the child.

*“Corporal punishment”* means the intentional physical punishment of a foster child.

*“Department”* means the Iowa department of human services and includes the local offices of the department.

*“Foster family home”* means a home in which an individual person or persons or a married couple who wishes to provide or is providing, for a period exceeding 24 consecutive hours, board, room, and care for a child in a single family living unit.

*“Health care provider”* means a licensed medical doctor, doctor of osteopathy, physician assistant or advanced registered nurse practitioner who completes a health report.

*“Public water supply system (PWS)”* means a system for the provision to the public of water for human consumption through pipes or other constructed conveyances, if such system has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year.

*“Reasonable and prudent parent standard”* means the standard characterized by careful and sensible parental decisions that maintain the health, safety, and best interests of a child while at the same time encourage the emotional and developmental growth of the child, that a caregiver shall use when determining whether to allow a child in foster care under the responsibility of the state to participate in extracurricular, enrichment, cultural, and social activities. For the purposes of this definition, “caregiver” means a foster parent with whom a child in foster care has been placed or a designated official for a child care institution (including group homes, residential treatment, shelters, or other congregate care settings) in which a child in foster care has been placed.

*“Reasonable force”* means that force, and no more, which a reasonable person in like circumstances would judge to be necessary to prevent an injury or loss.

*“Recruitment and retention contractor”* means the entity that contracts with the department statewide to recruit foster and adoptive parents, complete home studies, and perform activities to support and encourage retention of foster and adoptive parents, or any of its subcontractors.

*“Service area manager”* means the department employee responsible for managing department offices and personnel within the service area and for implementing policies and procedures of the department.

*“Social work administrator”* means the department employee responsible for supervising the social work staff within a department service area and for implementing service policies and procedures of the department.

This rule is intended to implement Iowa Code chapter 237.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 2069C, IAB 8/5/15, effective 10/1/15; ARC 2743C, IAB 10/12/16, effective 12/1/16; ARC 3185C, IAB 7/5/17, effective 9/1/17]

**441—113.3(237) Licensing procedure.**

**113.3(1) Application.** Applications for an initial license to operate a foster family home shall be submitted and processed as directed in rule 441—112.3(237). In addition to the application form, the applicant shall submit the following forms during the licensing process:

- a. Form 595-1396, DHS Criminal History Record Check, for each person living in the home who is 14 years of age or older, as required by rule 441—113.13(237).
- b. Form 470-0720, Physician's Report for Foster and Adoptive Parents, to satisfy the requirements of rule 441—113.11(237).
- c. Form 470-0693, Foster Care Private Water Supply Survey, if applicable.
- d. Form 470-4657, Floor Plan. The applicant or the recruitment and retention provider shall complete a drawing of the floor plan of the family's home.
- e. If licensed to drive, a copy of the driver's license and motor vehicle insurance.

**113.3(2) Orientation.** Applicants shall attend an orientation provided by the recruitment and retention contractor as described in rule 441—117.2(237).

**113.3(3) Record checks.** Before beginning preservice training, applicants shall pass at least the local record check procedures as specified in rule 441—113.13(237).

**113.3(4) Home study.** The worker for the recruitment and retention contractor shall complete a family home study.

a. *Process.* Information for the home study is gathered primarily through the required preservice training as described in rule 441—117.1(237). Tribal agencies may also be involved in conducting home studies for American Indian and Alaska Native children. 42 U.S.C.A. Section 671(a)(26)(B) provides that any receiving state must treat any tribal home study report as meeting the requirements imposed by the state for the completion of a home study.

(1) The worker shall hold at least two face-to-face interviews with the applicant with one of the interviews taking place in the applicant's home.

(2) The worker shall hold at least one face-to-face interview with each member of the household in the applicant's home to observe family functioning and to assess the family's capacity to meet the needs of a child in foster care. The worker will determine whether to interview or just observe each household member based on the household member's age and development.

(3) A physical inspection of the home is required. The worker shall use the Foster Family Survey Report to complete the physical inspection of the home to verify compliance with the licensing and regulation standards in this chapter.

(4) Reference checks shall be conducted as described at rule 441—113.14(237).

b. *Family assessment topics.* The assessment of the prospective foster family shall evaluate the family's ability to parent a special needs child. The assessment shall include the following:

(1) The applicant's motivation for foster care and whether the family has biological, adopted, or foster children.

(2) The attitude of the family and the extended family toward accepting a foster child.

(3) The applicant's emotional stability; marital relationship and history, including verification of marriages and divorces; family relationships; and compatibility.

(4) The applicant's ability to cope with problems, stress, frustrations, crisis, separation, and loss.

(5) Medical, mental, and emotional conditions that may affect the applicant's ability to parent a child; treatment history; current status of treatment; and the evaluation of the treatment. Applicants and all household members must disclose any past or current mental health or substance abuse issues, or both. The department may require further documentation or evaluation, or both, to determine the suitability of the home.

(6) All children who are household members must be up to date on immunizations jointly recommended by the American Academy of Pediatrics, the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention, and the American Academy of Family Physicians, unless the immunization is contrary to the child's health as documented by a licensed health care professional.

(7) An evaluation of the applicant's willingness to accept a child who has medical problems (such as HIV), an intellectual disability, or emotional or behavioral problems. The applicant shall complete the

department form to indicate choices about caring for children who have or are at risk for HIV infection and other medical problems.

(8) The applicant's ability to provide for a child's physical, medical, and emotional needs and respect the child's ethnic and religious identity.

(9) The safety of foster children in relation to any animals that live on the applicant's property.

(10) The adjustment of any children in the home, including their attitudes toward foster care and adoption, relationships with others, and school performance.

(11) An assessment of the applicant's disciplinary techniques and practices.

(12) The applicant's financial information and ability to provide for a child.

(13) The applicant's attitude toward the foster child's birth parents and siblings.

(14) The applicant's commitment to and capacity to maintain a foster child's significant relationships and work with the child's parents when the permanency goal is reunification.

(15) Any history of substance use or substance abuse by family members or members of the household, including treatment history and current status of treatment.

(16) Any history of abuse by family members or members of the household, including treatment history, current status of treatment, and how this issue would affect the applicant's ability to be a foster parent.

(17) Any criminal convictions of family members or adults in the household and the evaluation of the criminal record.

*c. Written report.* The recruitment and retention contractor shall prepare a written report of the family assessment using Form 470-5436, Resource Parent Home Study. The Resource Parent Home Study shall include a recommendation for the number, age, sex, characteristics, and special needs of a child or children the family can best parent and any other pertinent information in making the licensing recommendation. The home study shall be maintained in the foster family record.

**113.3(5) Decision.** The department worker shall use the home study to approve or deny a prospective family as an appropriate placement for a child or children. The department worker shall notify the family of the licensing decision using Form 470-0709, Notice of Action: Foster Family Home.

*a.* Upon approval, the department shall issue the applicant a foster family home license as described at rule 441—112.4(237). The license shall indicate the licensed capacity for the number of foster children approved for placement in the foster family home under subrule 113.4(1).

*b.* If the department worker does not approve the home study, the notice shall state the reasons for that decision, as listed in rule 441—112.5(237). A license denial may be appealed as described at rule 441—112.8(237).

This rule is intended to implement Iowa Code section 237.5.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.4(237) Provisions pertaining to the license.** On a case-by-case basis, the service area manager or area social work administrator may waive any standard in this chapter unless:

1. The requirement is set in state or federal law; or
2. The waiver could have a negative impact on the safety and well-being of a child placed in the foster family home.

**113.4(1) Number of children.** A foster family home may care for up to five children unless a variance is approved as described in this rule. The license capacity shall be based on the number of the foster family's biological and adoptive children and any relative placements. The license shall be issued for at least one child. A child who has reached the age of 18 and remains eligible for foster family care shall be included in the license capacity. Any variance to this rule must:

- a.* Be approved by the service area manager or designee.
- b.* Be documented in the licensing record with reasons given for granting the variance.
- c.* Meet one of the following criteria:

(1) The foster parents have three or more children in the home and have shown the ability to parent a large number of children. A licensing variance may be approved at initial or renewal licensure to allow the placement of up to three foster children as set forth in the chart below:

No. of Children in the Home (birth/relative/adoptive placements)	Maximum License Capacity:	
	Without variance	With variance
0 children	5	Not applicable
1 child	4	Not applicable
2 children	3	Not applicable
3 children	2	3
4 children	1	3
5 or more children	Not applicable	3

(2) A variance beyond the maximum capacity of the foster home license is needed for the placement of a specific child in foster family care. A child-specific variance shall end when that child leaves the placement or any other change brings the family into licensed capacity. Unless a variance is needed for the placement of a sibling(s) of a foster child already in the home, or to keep siblings together, the maximum number of children in the home shall not exceed eight. On a case-by-case basis, if it is determined the foster parents have shown the parenting skills and have the social support system to meet the children's needs for parenting more than eight children, the social work administrator shall approve the foster parents to parent more than eight children. A foster family may have both a licensing and a child-specific variance concurrently.

d. All other licensing requirements including, but not limited to, parenting ability and available bedroom space must be met before a foster home can be approved for a variance.

**113.4(2) *Employees of the department as foster parents.*** Employees of the department may be licensed as foster family home parents unless they are engaged in the administration or provision of foster care services. Employees engaged in the administration or provision of foster care services include:

a. Child care staff, social workers, youth service workers or their supervisors involved in programs for children in state institutions.

b. Foster care service workers, foster care licensing staff, and their supervisors employed in county or central offices of the department.

c. Other staff engaged in foster care placements, such as child protective staff or adoption workers.

d. Department staff responsible for the development of policies and procedures relating to foster care licensing and placement.

**113.4(3) *Limits on foster family home licensure.*** A licensed foster family home shall not be permitted to be a licensed comprehensive residential facility, community residential facility, or licensed child care center.

This rule is intended to implement Iowa Code sections 237.3 and 237.5.

[ARC 7606B, IAB 3/11/09, effective 5/1/09; ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.5(237) Physical standards.**

**113.5(1) *General standards.*** The foster home shall be safe, clean, well ventilated, properly lighted, properly heated, and free from vermin and rodents to ensure the well-being of the foster children residing in the home.

##### **113.5(2) *Grounds.***

a. There shall be safe outdoor space provided according to the age and developmental needs of the foster child for active play. The area available shall be documented in the case record.

b. The foster child shall be adequately supervised and protected against hazards including, but not limited to, traffic, bodies of water, railroads, waste material, and contaminated water. The foster parent shall provide environmental protections such as door alarms, baby monitors, fences, and foliage barriers.

c. The applicant's home must meet the following standards concerning swimming pools, hot tubs and spas:

(1) A child's plastic pool shall be drained daily and shall be inaccessible to children when it is not in use. Swimming pools must have a barrier on all sides at least four feet high.

(2) An aboveground or in-ground swimming pool that is not fenced shall be covered whenever the pool is not in use. The cover shall meet or exceed the ASTM International (formerly known as the American Society for Testing and Materials) specification intended to reduce the risk of drowning by inhibiting access to the water by children under five years of age. Swimming pools must have their methods of access through the barrier equipped with a safety device, such as a bolt lock.

(3) Swimming pools must be equipped with a lifesaving device, such as a ring buoy.

(4) If the swimming pool cannot be emptied after each use, the pool must have a working pump and filtering system.

(5) Hot tubs and spas must have safety covers that are locked when not in use.

The foster parent or other adult shall provide reasonable supervision according to the ages and swimming abilities of the foster children when they are using the pool.

**113.5(3) *Bedrooms for foster children.***

a. Bedrooms shall either have been constructed for the purpose of providing sleeping accommodation or remodeled for sleeping to provide proper heat and ventilation. Bedroom additions to a home shall meet building code requirements. All bedrooms used by foster children shall have:

(1) Permanent walls;

(2) A door that closes;

(3) An unobstructed, operable window that opens from the inside that is large enough to allow for an unrestricted exit by a foster child;

(4) A closet, wardrobe, armoire, or dresser for the child's clothes; and

(5) A standard bed, for infants and toddlers who cannot safely use a standard bed, a crib or crib-like furniture which has a waterproof mattress covering and sufficient bedding to enable a child to rest comfortably and which meets the current standards or recommendations from the U.S. Consumer Product Safety Commission or ASTM International for juvenile products for each child under two years of age if developmentally appropriate. The provider shall follow safe sleep practices as recommended by the American Academy of Pediatrics for infants under the age of one. Safe infant sleep practices shall conform to the following standards:

1. Infants shall always be placed on their backs for sleep.

2. Infants shall be placed on a firm mattress with a tight fitting sheet that meets U.S. Consumer Product Safety Commission federal standards.

3. Infants shall not be allowed to sleep on a bed, sofa, air mattress or other soft surface. No child shall be allowed to sleep in any item not designed for sleeping. This is not referring to a child in a car seat in a car.

4. No toys, soft objects, stuffed animals, pillows, bumper pads, blankets, or loose bedding shall be allowed in the sleeping area with the infant.

5. No co-sleeping shall be allowed.

6. If an alternate sleeping position is needed for an infant, a signed authorization with a statement of a medical reason is required and shall be submitted by a physician, advanced registered nurse practitioner, or physician assistant.

b. The minimum bedroom area per child shall be 40 square feet. However, the service area manager or designee may approve a smaller room size when approval is in the best interest of specific children placed or to be placed in the home. Such approvals shall:

(1) Be in writing;

(2) Contain the names and birth dates of the children for whom issued; and

(3) Be reviewed at each license renewal.

c. When bedrooms meet only minimum requirements, the home shall provide additional room in other parts of the home for study and play.

d. The ceiling height for bedrooms shall be adequate for the child.

e. Except for baby video monitors for children birth to two years of age used in their bedrooms, video or surveillance cameras are not allowed in children's bedrooms or bathrooms.

f. Bedrooms belowground shall:

(1) Be free from excessive dampness, noxious gases, and objectionable odors;

(2) Have access to at least one direct exit to the outside from the level belowground and one inside stairway exit from the level belowground;

(3) Have an egress window with a clear opening area with an opening height of 24 inches and an opening width of 20 inches or an opening height of 20 inches and an opening width of 24 inches;

(4) Have provisions, such as a ladder or steps, to ensure that the foster child can safely reach the window if the finished sill height is more than 44 inches above the floor and that the foster child can safely reach ground level if there is a window well that has a depth of 44 inches or higher;

(5) Have a finished ceiling such as drywall or a drop ceiling; and

(6) Have a covered floor.

**113.5(4)** *All rooms aboveground.* Rescinded IAB 10/3/12, effective 12/1/12.

**113.5(5)** *Rooms belowground.* Rescinded IAB 10/3/12, effective 12/1/12.

**113.5(6)** *Physical care standards for foster children.*

a. Grouping children in bedrooms shall take into consideration the age and sex of children.

(1) Children over five years of age shall not share a bedroom with a child of the opposite sex.

(2) Foster children shall not share a bed with any other child. The social work administrator may approve a waiver of this policy.

b. Children two years of age or older shall be provided bedroom space other than in the foster parents' bedroom. Foster children under the age of two may share a bedroom with the foster parent in an individual crib.

c. There shall be a plan for isolating healthy children from a child who is ill or suspected of having a contagious disease.

d. The foster home shall provide food with good nutritional content and in sufficient quantity to meet the individual needs of the children.

e. Bedding shall be clean, odor-free, and free of urine and feces.

f. Foster parents shall follow universal precautions to reduce exposure to bloodborne pathogens and other infectious materials when providing care to all children placed in their physical custody.

g. Smoking and vaping shall be prohibited in the foster home or any vehicle when the foster child is present.

**113.5(7)** *Lead-based paint.* If the applicant lives in a home built before 1960, the applicant shall submit Form 470-4819, Lead Paint Assessment, certifying that the applicant:

a. Has conducted a visual assessment for lead hazards that exist in the form of peeling or chipping paint; and

b. Has applied interim controls using safe work methods if the presence of peeling or chipping paint is found, unless an inspector certified pursuant to department of public health rules at 641—Chapter 70 has determined that the paint is not lead-based. "Interim controls" are measures designed to temporarily reduce human exposure or likely exposure to lead-based paint hazards, such as repairing deteriorated lead-based paint, specialized cleaning, maintenance, painting, and temporary containment.

**113.5(8)** *Artificial lighting.* Adequate artificial lighting fixtures shall be provided for study in areas where children will be studying.

**113.5(9)** *Bathroom facilities.*

a. Bathroom facilities shall have at least one toilet, sink, and tub or shower in safe operating condition.

b. Bathroom facilities shall have natural or artificial ventilation.

**113.5(10)** *Heating plant.*

a. The heating plant shall have a capacity to maintain a temperature of approximately 65 degrees Fahrenheit in the bedrooms with the door closed.

b. Fireplaces and water heaters shall be vented to the outside atmosphere. The temperature of any water heaters must be set in accordance with the manufacturer's recommendations. Kerosene heaters and gas-fired space heaters shall not be used to heat any space in the home.

**113.5(11)** *Ventilation.* Ventilation shall be provided in all rooms where foster children eat, sleep, and play either by windows which can be opened or by mechanical venting systems. Windows and doors used for ventilation shall be screened.

**113.5(12) Phone.** A working phone or access to a working phone shall be in close walking proximity to an applicant's living space.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 0357C, IAB 10/3/12, effective 12/1/12; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.6(237) Sanitation, water, and waste disposal.**

**113.6(1) Food preparation and storage.** Food preparation areas shall be clean, and the home shall have kitchen facilities with a sink, refrigerator, stove, and oven in safe operating condition.

**113.6(2) Public water supply.** The water supply is approved when the water is obtained from a public water supply system.

**113.6(3) Private water supply.**

a. Each privately operated water supply shall be tested prior to initial licensure and tested before license renewal, and evaluated for obvious deficiencies such as open or loose well tops or platforms and poor drainage around the wells.

b. As part of the evaluation, water samples must be collected and submitted by the licensing worker or health sanitarian to the university hygienic laboratory or other laboratory certified by the hygienic laboratory and analyzed for coliform bacteria. In order to be licensed for the care of children under two years of age the nitrate (NO<sup>3</sup>) content must be analyzed.

c. When the water supply is obtained from more than one well, proof of the quality of the water from each well is required.

d. When the water sample result shows the water is potable, the license can be granted.

e. When the water sample is not approved, no foster family home license shall be issued until the foster parents provide a written statement that foster children will be provided potable water, including where the water will be obtained and how it will be transported and stored.

(1) The statement shall be provided on Form 470-0699, Provisions for Alternate Water Supply.

(2) When the family has made ongoing alternative arrangements for the use of safe, potable water, annual testing of the water may be waived after the private water supply has tested unpotable for three consecutive years.

**113.6(4) Sewage treatment.**

a. Foster homes, wherever possible, shall be connected to public sewer systems.

b. Private disposal systems shall be designed, constructed and maintained so that no unsanitary or nuisance conditions exist, such as surface discharge of raw or partially treated sewage or failure of the sewer lines to convey sewage properly.

**113.6(5) Garbage storage and disposal.**

a. A sufficient number of covered garbage and rubbish containers shall be provided to properly store all material between collections.

b. Containers shall be fly tight, watertight, and rodent proof and shall be maintained in a sanitary condition.

**113.6(6) Rodent and insect infestation.** The home shall prevent or eliminate rodent and insect infestation.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.7(237) Safety.**

**113.7(1) Fire protection for bedrooms.** Any floor of a house, including the basement, shall be equipped with the following:

a. At least one UL (Underwriter's Laboratory)-approved smoke detector. On floors that are used for sleeping, the smoke detector shall be in a location where sleeping areas can be alerted. For hearing-impaired children, the foster parent shall install a smoke detector in the child's bedroom that will use an alternative means of waking the child.

b. Hallways and stairways free of debris and clutter to allow unrestricted access to an exit.

c. A working carbon monoxide detector in all homes with:

- (1) Gas appliances, furnaces, fireplaces, or other gas equipment; and
- (2) Attached garages.

**113.7(2) Combustion hazards.**

a. Combustible materials shall be kept away from heat sources, including but not limited to furnaces, stoves, electrical panels, space heaters, and hot water heaters.

b. Explosives and flammable substances shall be stored securely and be inaccessible to a child. Matches and lighters shall be inaccessible to a child.

c. The home shall have at least one operable 2A-10BC-rated or ABC-rated fire extinguisher.

**113.7(3) Safety plan.** The family shall have an emergency safety plan to be used for fire, tornado, blizzard, flood, other natural or manmade disasters, accidents, medical issues, and other life-threatening situations for children in out-of-home placements. The safety plans shall state the action that the foster parents and children are to take in each situation that may occur and shall be posted in a prominent place in the home.

a. The safety plans for fire and tornadoes shall be reviewed with foster children at the time of placement. Fire and tornado plans shall be practiced with the foster children within one week of placement and no less than annually thereafter.

b. In a disaster requiring evacuation of the foster home, the foster parents shall notify the department of the evacuation and the address and telephone number of the foster parents' temporary residence within 24 hours after evacuation.

c. The plans shall include a designated meeting place.

d. Applicants must maintain a comprehensive list of emergency telephone numbers, including poison control, and post those numbers in a prominent place in the home. If there is a landline phone located in the home, the numbers must be posted next to the phone.

**113.7(4) Medications, first aid and poisonous substances.**

a. All prescription medication shall be administered as prescribed and documented in a medication log that is given to the child's department caseworker when the child leaves the placement.

b. All over-the-counter medications shall be administered according to label directions or as directed by a physician.

c. Applicants must prevent the child's access, as appropriate for the child's age and development, to all medications, poisonous materials, cleaning supplies, other hazardous materials and alcoholic beverages.

d. Applicants must maintain first aid supplies as recommended by the American Red Cross.

**113.7(5) Weapons.** All weapons, firearms, and ammunition shall be inaccessible to a child of any age.

a. The following weapons must be stored in an inoperative condition in a locked area inaccessible to children:

- (1) Firearms;
- (2) Air guns;
- (3) BB guns;
- (4) Hunting slingshots;
- (5) Any other projectile weapons.

b. All ammunition, arrows or projectiles for such weapons shall be maintained in a locked place separate from the firearms.

c. The weapons, firearms, and ammunition storage unit shall not share the same key or matching security code. If a key is used, the key shall be stored in a place inaccessible to the foster child.

d. Any motor vehicles used to transport foster children shall not contain a loaded gun, and any ammunition in the vehicle shall be kept in a separate, locked container.

e. Foster parents who have a permit to carry a firearm shall sign Form 470-4657, Firearms Safety Plan. Foster parents who have firearms but do not have a permit to carry shall complete the safety plan section of the Firearms Safety Plan form.



*f.* Foster parents who are also law enforcement officials and can document that their jurisdiction requires them to have ready and immediate access to their weapons may be exempt from these weapon requirements provided they adopt and follow a safety plan approved by the department.

**113.7(6) *Transporting foster children.***

*a.* Foster parents will ensure that if a privately owned vehicle, owned by the applicants, family or friends, is used to transport the child in foster care, it must be inspected (if applicable under state law), registered, and insured and meet all applicable state or tribal requirements to be an operable vehicle on the road.

*b.* The driver will have a valid Iowa driver's license.

*c.* Safety restraints will be used that are appropriate to the child's age, height, and weight.

*d.* Any motor vehicles used to transport foster children shall be smoke-free when foster children are being transported.

*e.* Weapons must not be transported in any vehicle in which the child is riding unless the weapons are made inoperable and inaccessible.

*f.* Foster parents will have access to reliable public transportation if they do not have access to a reliable, registered, and insured vehicle.

**113.7(7) *Supervision.*** The foster parents shall provide reasonable and prudent supervision of foster children to ensure their safety.

*a.* Foster parents shall adequately supervise foster children while the children are using any hazardous or dangerous objects or equipment. In order for foster children to participate in age- or developmentally appropriate activities, the foster parent would apply the reasonable and prudent parent standard.

*b.* Foster parents shall use reasonable and prudent supervision of foster children when the foster children are using the Internet or other social media.

**113.7(8) *Household pets.*** Household pets and any outdoor animals or pets accessible to foster children shall have a current veterinary health certificate verifying that the animal's routine immunizations, e.g., rabies, are current.

*a.* At the time of the initial home study and any time thereafter, foster parents shall report an animal's history of aggression towards people and inform the department of the animal's aggression towards people within 24 hours of an occurrence.

*b.* Foster parents who have pets or animals with any history of aggression shall have a written plan that addresses strategies to reduce the risk of aggression by their pets or animals with which the child will have contact.

*c.* Animal waste will be contained and disposed of on a routine basis.

**113.7(9) *Liability.*** Foster parents who apply the reasonable and prudent parent standard reasonably and in good faith in regard to a foster child placed in their home shall have immunity from civil or criminal liability which might otherwise be incurred or imposed. This subrule shall not remove or limit any existing liability protection afforded under any other law.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 0357C, IAB 10/3/12, effective 12/1/12; ARC 2743C, IAB 10/12/16, effective 12/1/16; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.8(237) Foster parent training.**

**113.8(1) *Preservice training.*** All foster parent applicants shall complete the following training before licensure and the placement of a child in foster care in their home:

*a.* Orientation pursuant to rule 441—117.2(237);

*b.* Preservice training pursuant to rule 441—117.1(237);

*c.* Preservice training, which shall include:

- (1) An agency-approved medication management training,
- (2) A face-to-face cardiopulmonary resuscitation (CPR) and first-aid training,
- (3) Mandatory reporter training on child abuse identification, and
- (4) The reasonable and prudent parent standard training; and

*d.* Mandatory reporter training on child abuse identification and reporting before initial licensure and every five years thereafter as required by rule 441—112.10(232) and 441—subrule 117.8(3).

**113.8(2) *In-service training.*** All licensed foster parents shall complete six hours of in-service training annually as required by rule 441—117.7(237).

Each foster parent shall maintain certification in CPR and first-aid training.

This rule is intended to implement Iowa Code section 237.5A.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 2069C, IAB 8/5/15, effective 10/1/15; ARC 3185C, IAB 7/5/17, effective 9/1/17]

**441—113.9(237) Involvement of kin.**

**113.9(1) *Support by foster parents.*** Foster parents shall support the involvement of biological or adoptive parents and other relatives of the foster child unless this involvement is evaluated and documented by the department to be detrimental to the child's well-being.

**113.9(2) *Nature of involvement.*** The extent and nature of the involvement of the biological or adoptive parents and other relatives shall be determined by the caseworker in consultation with the foster parents, biological or adoptive parents, and others involved with the child and family.

**113.9(3) *Cultural connections.*** Throughout the provision of care, the foster family shall actively ensure that the foster child stays connected to the child's kin, culture, and community as required in the child's case permanency plan.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

**441—113.10(237) Information on the foster child.**

**113.10(1) *Foster child information.*** Foster parents shall maintain a separate folder of information on each foster child placed in the foster family home. This folder shall be provided to the department or the child's parent or guardian when the child leaves the placement. The folder shall contain:

*a.* The names and addresses of all doctors, mental health professionals, and dentists who have treated the foster child; current medications prescribed, including over-the-counter medications; medication log; and the type of medical, dental, vision, and mental health treatments and hearing examinations received while the foster child is in the foster home.

*b.* School reports including report cards and pictures.

*c.* Date the child left the placement.

*d.* Name, address, and telephone number of the person to whom the child is discharged.

**113.10(2) *Confidentiality.*** Foster parents shall maintain confidentiality regarding a child in placement except as required to comply with rules on mandatory reporting of child abuse and with the child's case permanency plan. Foster parents shall not without parent or guardian and department consent post pictures or information concerning a foster child on any Internet Web site or on social media.

This rule is intended to implement Iowa Code section 237.7.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

**441—113.11(237) Health of foster family.**

**113.11(1) *Health report required.*** The foster parents shall furnish the licensing agency with a health report on the family completed no more than six months before the application for licensure. The report shall include information on all family members, including foster parents, their minor children who reside in the home, and adult household members. An updated report shall be provided upon request of the department licensing worker or the recruitment and retention contractor.

**113.11(2) *Contents of report.*** This report shall include a statement from the health practitioner that there are no physical or mental health problems which would be a hazard to foster children placed in the home and a statement that the foster parents' health would not prevent needed care from being provided to the child.

**113.11(3) *Whooping cough vaccine.*** All household members who are caregivers must have up-to-date whooping cough vaccines unless contrary to the person's health.

**113.11(4) *Capability for caring for the child.*** If there is evidence that the foster parent is unable to provide necessary care for the child, the department licensing worker, the recruitment and retention contractor, or the physician may require additional medical and mental health reports, including a substance abuse evaluation.

This rule is intended to implement Iowa Code section 237.7.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.12(237) Characteristics of foster parents.**

**113.12(1) *Age.***

- a. Foster parents shall be at least 21 years of age.
- b. The age of foster parents shall be considered as it affects their ability to care for a specific child and function in a parental role.

**113.12(2) *Income and resources.*** The foster family shall have sufficient income and resources to provide adequately for the family's own needs.

**113.12(3) *Religious considerations.*** The foster parent shall respect the foster child's religious background and affiliation.

**113.12(4) *Requirements of foster parents.*** Foster parents shall be stable, responsible, physically able to care for the type of child placed, mature individuals who are not unsuited by reason of substance abuse, lewd or lascivious behavior or other conduct likely to be detrimental to the physical or mental health or morals of the child. They shall exercise good judgment in caring for children and have a capacity to accept agency supervision.

**113.12(5) *Personal characteristics.*** The foster parents shall:

- a. Provide evidence of relationship stability.
- b. Have realistic expectations of foster children.
- c. Have time available to parent foster children.
- d. Be able to communicate with the licensing agency and health care and other service providers.
- e. Have functional literacy, a level of reading, writing and calculation skills such as having the ability to read labels on medications in order to properly administer them.
- f. Be able to accept and deal with acting out behavior with realistic expectations and good judgment.
- g. Include foster children in normal family life.
- h. Have the ability to be accepting and loving toward a foster child entering the home.
- i. Be able to support the case permanency plan for the foster child and be willing to cooperate with visits, transportation, or other activities that support the child's connection to and reunification with the child's family.
- j. Ensure that all family members are aware of having foster children in the home.
- k. Articulate their strengths and concerns and limitations which are essential to the department's matching the foster children with foster parents appropriately.

**113.12(6) *Determination of characteristics.*** The areas discussed in subrules 113.12(4) and 113.12(5) shall be explored through observation of the family and interviews with family members and documented in a foster home study as described in subrule 113.3(4), or in the foster family record when explored after licensure and prior to renewal. Any additional areas that the family or worker identifies as a possibility for creating problems shall also be documented in the foster family record.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

**441—113.13(237) Record checks.** Record checks are required for each foster parent applicant and for anyone who is 14 years of age or older living in the home of the applicant. The purpose of the record checks is to determine whether any of these persons has any founded child abuse reports or criminal convictions or has been placed on the sex offender registry.

**113.13(1) *Procedure.*** The department's contractor for the recruitment and retention of resource families shall assist applicants in completing required record checks, including fingerprinting.

*a. Iowa records.* Each foster parent applicant and anyone who is 14 years of age or older living in the home of the applicant shall be checked for records with:

- (1) The Iowa central abuse registry, using Form 470-0643, Request for Child and Dependent Adult Abuse Information;
- (2) The Iowa division of criminal investigation, using Form 595-1396, DHS Criminal History Record Check, Form B;
- (3) The Iowa sex offender registry; and
- (4) Iowa Courts Online.

*b. Other records.*

(1) Each foster parent applicant and any other adult living in the household shall also be checked for records on the child abuse registry of any state where the person has lived during the past five years.

(2) Each foster parent applicant shall also be fingerprinted for a national criminal history check. Fingerprinting, for the purpose of a national criminal history check, is required on all other adult household members at the time of initial application effective with applications dated on or after October 1, 2011. When warranted, the department may require fingerprinting for a national criminal history check on adult household members who move in after initial application.

**113.13(2) Evaluation of record.** If the applicant or anyone living in the home has a record of founded child or dependent adult abuse, a criminal conviction, or placement on the sex offender registry, the department shall not license the applicant as a foster family unless an evaluation determines that the abuse or criminal conviction does not warrant prohibition of license.

*a. Exclusion.* An evaluation shall not be performed if the person has been convicted of:

- (1) A felony offense as set forth in Iowa Code section 237.8(2) "a"(4); or
- (2) A crime in another state that would be a felony as set forth in Iowa Code section 237.8(2) "a"(4).

*b. Scope.* The evaluation shall consider the nature and seriousness of the founded child or dependent adult abuse or crime in relation to:

- (1) The position sought or held,
- (2) The time elapsed since the abuse or crime was committed,
- (3) The degree of rehabilitation,
- (4) The likelihood that the person will commit the abuse or crime again, and
- (5) The number of abuses or crimes committed by the person.

*c. Evaluation form.* The person with the founded child or dependent adult abuse or criminal conviction report shall complete and return Form 470-2310, Record Check Evaluation, within ten calendar days of the date of receipt to be used to assist in the evaluation. Failure of the person to complete and return Form 470-2310 within the specified time frame shall result in denial of licensure.

**113.13(3) Evaluation decision.** The service area manager or designee shall conduct the evaluation and make the decision. The department shall issue Form 470-2310, Record Check Evaluation, to inform the subject of the decision and describe the basis of the decision using the criteria specified in paragraph 113.13(2) "b." The department shall mail the form to the person on whom the evaluation was completed:

*a.* Within 30 days of receipt of the completed Form 470-2310, Record Check Evaluation, or

*b.* When the person whose record is being evaluated fails to complete the evaluation form within the time frame specified in paragraph 113.13(2) "c."

**113.13(4) License renewal.** Foster parents applying for an annual or biennial license renewal shall be subject to the same checks as new applicants, except for fingerprinting. The department shall evaluate only abuses and convictions of crimes that occurred since the last record check. The evaluation shall be conducted using the same process.

This rule is intended to implement Iowa Code section 237.8(2).

[ARC 7606B, IAB 3/11/09, effective 5/1/09; ARC 0356C, IAB 10/3/12, effective 12/1/12; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.14(237) Reference checks.**

**113.14(1)** At least three additional unsolicited references shall be checked for all foster family home applicants in addition to a minimum of three references provided by the applicant. Required references shall include a minimum of one relative and one nonrelative.

**113.14(2)** Responses of references shall be documented in the applicant's record.

**113.14(3)** Information received from references may be discussed with the applicant at the discretion of the worker. The reference shall be so informed.

**113.14(4)** Reference checks shall include only those areas related to the applicant's ability to care for children and should include discussion of the following areas:

- a.* How long and in what capacity the reference has known the applicant.
- b.* Personal qualities of the applicant including the general character, ability to get along with others, ability to deal with children's problem behavior, ability to give affection and care, discussion of use of drugs and alcohol, questions regarding personal difficulties that could be detrimental to a foster child.
- c.* Relationship stability.
- d.* How the applicant handles anger, problems, crisis situations, discipline, and disappointments.
- e.* Any areas of general concern not previously mentioned.
- f.* Would the reference feel comfortable leaving a child in this home for a period of time?
- g.* Recommendations regarding licensing.

**113.14(5)** When warranted, additional references may be sought after licensure.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17; ARC 5064C, IAB 7/1/20, effective 9/1/20]

#### **441—113.15(237) Unannounced visits.**

**113.15(1)** The department's recruitment and retention contractor shall make unannounced visits during periods of the day when the child and foster parents would normally be at home and awake, unless there has been a specific complaint about the family and care of the child.

**113.15(2)** The unannounced visit shall include, but is not limited to, assessment of the following areas:

- a.* Home environment.
- b.* Who was present at the time of the visit.
- c.* Interaction between the foster child and foster family and their children.
- d.* The foster child's perception of the foster parents, other children and adults in the home, behavioral expectations of foster parents, discipline used by foster parents, religious training, school, contact with natural parents, and purpose of placement in foster care.
- e.* The foster parents' view of the child, the child's problem, placement worker's involvement, plan for the child, involvement of natural parents, and additional services that either the foster child or foster parents need.
- f.* Any previously or currently cited deficiencies, corrective action plans and progress.
- g.* Any previous or current concerns from department workers.
- h.* Discussion of placements during the licensing year and, if none, the reason why.
- i.* Progress on completing training in the foster parents' training plan.
- j.* Awareness of the foster parents' license capacity and compliance.
- k.* Recommended action.

**113.15(3)** An unannounced visit to the foster home:

- a.* Shall be completed annually;
- b.* Shall not be waived; and
- c.* Shall not occur in conjunction with license renewal.

**113.15(4)** The findings from the unannounced visit shall be summarized on Form 470-5438, Progress Notes.

- a.* The report shall be sent to the department licensing worker and the foster parents within two weeks after the visit.
- b.* A copy of the report shall be retained in the foster parents' record.

**113.15(5)** Actions after the unannounced visit.

- a.* When deficiencies are cited that do not appear likely to cause immediate physical or mental harm to the child, an additional visit may be scheduled. The department licensing worker and the

recruitment and retention contractor shall discuss the deficiencies with the foster parents and make plans for improving the deficiencies.

*b.* When the reported deficiencies raise questions of concern as to the quality of care provided, the recruitment and retention contractor shall:

(1) Report deficiencies to the department licensing worker and to the placement worker for each foster child currently placed in the home;

(2) Hold a meeting with the department licensing worker and the foster parents to discuss deficiencies and the plans for improving the deficiencies and then complete a written corrective action plan as to how the foster parents intend to address the deficiencies.

*c.* When the reported deficiencies appear likely to cause immediate physical or mental harm to the child, the service area manager or designee shall immediately:

(1) Direct the placement worker to determine if the child should be removed, and

(2) Direct the licensing worker to complete a review of the foster home to determine if the family should continue to be licensed, should receive a provisional license, or should have the license revoked according to 441—112.6(237).

**113.15(6)** When the foster parents refuse to make a written commitment to improve the deficiencies, the department licensing worker shall conduct a complete review of the foster home to determine if the license should be revoked according to rule 441—112.6(237).

This rule is intended to implement Iowa Code section 237.7.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.16(237) Planned activities and personal effects.**

**113.16(1)** *Daily routine.* The daily routine shall promote good health and provide an opportunity for activity suitable for the foster child with time for rest and play.

**113.16(2)** *Clothing.*

*a.* All children should have their own clothing.

*b.* Children shall have training and help in selection and proper care of clothing.

*c.* Clothing shall be suited to the existing climate and seasonal conditions.

*d.* Clothing shall be becoming, of proper size, and culturally appropriate.

*e.* There shall be an adequate supply of clothing to permit laundering, cleaning and repair.

*f.* There shall be adequate closet and drawer space for children to permit access to their clothing.

**113.16(3)** *Educational opportunity.* Every foster child shall be given the opportunity to complete high school or vocational training in accordance with the child's case permanency plan. The foster parent shall be an advocate for the foster child by working with the foster child's school.

**113.16(4)** *Religion and culture.* Each child shall be given an opportunity, in consultation with the child's parents, to participate in the child's culture and religion. Children shall not be required to participate in religious training or observances contrary to the wishes of the biological or adoptive family or the religious beliefs of the child.

**113.16(5)** *Community participation.* Every child shall be given the opportunity to develop healthy social relationships through participation in neighborhood, school and other community and group activities. The child shall have the opportunity to invite friends to the foster home and to visit the home of friends.

**113.16(6)** *Work assignments.* Work assignments shall be in keeping with the child's age and development.

*a.* Exploitation of the child is prohibited. No child shall be permitted to do any hazardous tasks or to engage in any work which is in violation of the child labor laws of the state.

*b.* Each child shall have the opportunity to learn to assume some responsibility for self and for household duties in accordance with the child's age, health and ability. However, assigned tasks shall not deprive the child of school, sleep, play or study periods.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.17(237) Medical examinations and health care of the child.**

**113.17(1) *Medical and dental care.*** Foster parents shall keep the child's department case manager informed of any medical and dental appointments and treatments prescribed for the child.

*a.* Foster parents shall contact the child's parents to engage them in the process of accessing routine medical and dental care for their child unless parental rights have been terminated.

*b.* In case of an emergency or urgent situation requiring medical care and treatment of an acute illness, disease or condition of a child, when a delay or inability to access parental or department consent for medical care or treatment would endanger the health or physical well-being of the child, the foster parents can provide consent for medical care and treatment.

**113.17(2) *Exemption from medical care.*** Nothing in this rule shall be construed to require medical treatment or immunization for a minor child of any person who is a member of a church or religious organization which is against medical treatment for disease. In such instance, an official statement from the organization and a notarized statement from the parents shall be incorporated in the record. In potentially life-threatening situations, the child's care shall be referred to appropriate medical and legal authorities.

This rule is intended to implement Iowa Code section 237.3.

[ARC 7606B, IAB 3/11/09, effective 5/1/09; ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.18(237) Training and discipline of foster children.**

**113.18(1) *Foster parents' methods of training and discipline.*** The home study evaluation of each foster parent applicant shall include a discussion and a written report of the foster parents' methods of training and discipline. Discipline shall be designed to help the child develop self-control, self-esteem, and respect for the rights of others.

**113.18(2) *Restrictions on training and discipline.*** Child training and discipline shall be handled with kindness and understanding.

*a.* A child shall not be locked in a room, closet, box, or other device.

*b.* No child shall be deprived of food as punishment.

*c.* No child shall be subjected to verbal abuse, threats or derogatory remarks about the child or the child's family.

*d.* The use of corporal punishment is prohibited.

*e.* Restraints shall not be used as a form of discipline.

(1) Reasonable physical force may be used to restrain a child only in order to prevent injury to the child, injury to others, the destruction of property, or extremely disruptive behavior.

(2) Upon approval of the department, the foster parent may use restraints only in accordance with the written plan of a licensed mental health professional who is working with the child and the foster parents.

**113.18(3) *Reports of mistreatment.*** Reports of mistreatment coming to the attention of the department licensing worker and caseworker for the foster child shall be investigated promptly and referred to the proper authorities when necessary.

This rule is intended to implement Iowa Code sections 234.40 and 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09; ARC 3185C, IAB 7/5/17, effective 9/1/17]

#### **441—113.19(237) Emergency care and release of children.**

**113.19(1) *Supervision and arrangements for emergency care.***

*a.* Foster parents shall provide supervision of foster children and children in preadoptive placement as dictated by the individual child's specific needs.

*b.* In case of emergency requiring the foster parents' temporary absence from the home, arrangements shall be made with other licensed foster parents or with designated, responsible persons

for the care of the children during the period of absence. The child's placement worker shall be notified of all emergency absences of the foster parents.

**113.19(2) Release of foster child.** The foster parents shall release the foster child only to the agency, parent or guardian from whom the child was received for care, or the person specifically designated by the agency, parent or guardian.

This rule is intended to implement Iowa Code section 237.3.

[ARC 8010B, IAB 7/29/09, effective 10/1/09]

**441—113.20(237) Changes in foster family home.** Foster parents shall notify the department and the recruitment and retention contractor within seven working days of:

1. Any change in the number of persons living in the home (except for foster children);
2. A move to a new home; or
3. Any circumstances in the home that could negatively affect the health, safety or welfare of a child in the family's care.

This rule is intended to implement Iowa Code section 237.3.

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<sup>◇</sup> Two or more ARCs



## RACING AND GAMING COMMISSION[491]

[Prior to 11/19/86, Chs 1 to 10, see Racing Commission[693]; Renamed Racing and Gaming

Division [195] under the “umbrella” of Commerce, Department of [181], 11/19/86]

[Prior to 12/17/86, Chs 20 to 25, see Revenue Department[730] Chs 91 to 96]

[Transferred from Commerce Department[181] to the Department of Inspections and Appeals “umbrella”[481]

pursuant to 1987 Iowa Acts, chapter 234, section 421]

[Renamed Racing and Gaming Commission[491], 8/23/89; See 1989 Iowa Acts, ch 67 §1(2), and ch 231 §30(1), 31]

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### CHAPTER 3 FAIR INFORMATION PRACTICES

The racing and gaming commission adopts, with the following exceptions and amendments, rules of the Governor's Task Force on Uniform Rules of Agency Procedure relating to fair information practices which are printed in the first volume of the Iowa Administrative Code.

**491—3.1(17A,22) Definitions.** As used in this chapter:

*"Agency."* In lieu of the words "(official or body issuing these rules)", insert "racing and gaming commission".

**491—3.3(17A,22) Requests for access to records.**

**3.3(1) Location of record.** In lieu of the words "(insert agency head)", insert "Administrator". In lieu of the words "(insert agency name and address)", insert "Racing and Gaming Commission, 1300 Des Moines Street, Suite 100, Des Moines, Iowa 50309".

**3.3(2) Office hours.** In lieu of the words "(insert customary office hours, and if agency does not have customary office hours of at least thirty hours per week, insert hours specified in Iowa Code section 22.4)", insert "8 a.m. to 4:30 p.m. Monday through Friday except legal holidays".

**3.3(7) Fees.**

*c. Supervisory fee.* In lieu of the words "(specify time period)", insert "30 minutes".  
[ARC 0734C, IAB 5/15/13, effective 6/19/13]

**491—3.6(17A,22) Procedure by which additions, dissents, or objections may be entered into certain records.** In lieu of the words "(designate office)", insert "racing and gaming commission".

**491—3.9(17A,22) Disclosures without the consent of the subject.**

**3.9(1)** Open records are routinely disclosed without the consent of the subject.

**3.9(2)** To the extent allowed by law, disclosure of confidential records may occur without the consent of the subject. Following are instances where disclosure, if lawful, will generally occur without notice to the subject:

*a.* For a routine use as defined in rule 491—3.10(17A, 22) or in the notice for a particular record system.

*b.* To a recipient who has provided the agency with advance written assurance that the record will be used solely as a statistical research or reporting record, provided that the record is transferred in a form that does not identify the subject.

*c.* To another government agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States for a civil or criminal law enforcement activity if the activity is authorized by law, and if an authorized representative of such government agency or instrumentality has submitted a written request to the agency specifying the record desired and the law enforcement activity for which the record is sought.

*d.* To an individual pursuant to a showing of compelling circumstances affecting the health or safety of any individual if a notice of the disclosure is transmitted to the last known address of the subject.

*e.* To the legislative services agency under Iowa Code section 2A.3.

*f.* Disclosures in the course of employee disciplinary proceedings.

*g.* In response to a court order or subpoena.

**491—3.10(17A,22) Routine use.** *"Routine use"* means the disclosure of a record without the consent of the subject or subjects, for a purpose which is compatible with the purpose for which the record was collected. It includes disclosures required to be made by statute other than the public records law, Iowa Code chapter 22.

**3.10(1)** To the extent allowed by law, the following uses are considered routine uses of all agency records:

*a.* Disclosure to those officers, employees, and agents of the agency who have a need for the record in the performance of their duties. The custodian of the record may upon request of any officer, employee, or on the custodian's own initiative, determine what constitutes legitimate need to use confidential records.

*b.* Disclosure of information indicating an apparent violation of the law to appropriate law enforcement authorities for investigation and possible criminal prosecution, civil court action, or regulatory order.

*c.* Transfers of information within the agency, to other state agencies, or to local units of government as appropriate to administer the program for which the information is collected.

*d.* Information released to staff of federal and state entities for audit purposes or for purposes of determining whether the agency is operating a program lawfully.

*e.* Any disclosure specifically authorized by the statute under which the record was collected or maintained.

*f.* Information transferred to any originating agency when racing and gaming commission has completed the authorized audit, investigation, or inspection.

*g.* Information reported pursuant to Iowa Code sections 99E.8 and 99F.12 to any sports team or governing body having jurisdiction over sports teams.

**3.10(2) Reserved.**

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—3.11(17A,22) Consensual disclosure of confidential records.**

**3.11(1)** *Consent to disclosure by a subject individual.* To the extent permitted by law, the subject may consent in writing to agency disclosure of confidential records as provided in rule 491—3.7(17A,22).

**3.11(2)** *Complaints to public officials.* A letter from a subject of a confidential record to a public official which seeks the official's intervention on behalf of the subject in a matter that involves the agency may to the extent permitted by law be treated as an authorization to release sufficient information about the subject to the official to resolve the matter.

**3.11(3)** *Sharing information.* Notwithstanding any statutory confidentiality provision, the agency may share information with the child support recovery unit and the centralized collection unit of the department of revenue through manual or automated means for the sole purpose of identifying licensees or applicants subject to enforcement under Iowa Code chapter 252J, 272D or 598.

[ARC 5075C, IAB 7/1/20, effective 8/5/20]

**491—3.12(17A,22) Release to subject.**

**3.12(1)** A written request to review confidential records may be filed by the subject of the record as provided in rule 491—3.6(17A,22). The commission need not release the following records to the subject:

*a.* The identity of a person providing information to the agency need not be disclosed directly or indirectly to the subject of the information when the information is authorized to be held confidential pursuant to Iowa Code section 22.7(18) or other provision of law.

*b.* Records need not be disclosed to the subject when they are the work product of an attorney or otherwise privileged.

*c.* Investigative reports may be withheld from the subject, except as required by the Iowa Code. (See Iowa Code section 22.7(5))

*d.* As otherwise authorized by law.

**3.12(2)** Where a record has multiple subjects with interest in the confidentiality of the record, the commission may take reasonable steps to protect confidential information relating to another subject.

**491—3.13(17A,22) Availability of records.**

**3.13(1)** Agency records are open for public inspection and copying unless otherwise provided by rule or law.

**3.13(2)** Confidential records. The following records may be withheld from public inspection. Records are listed by category, according to the legal basis for withholding them from public inspection.



- a. Sealed bids received prior to the time set for public opening of bids. (Iowa Code section 72.3)
  - b. Tax records made available to the agency. (Iowa Code sections 422.20 and 422.72)
  - c. Exempt records under Iowa Code section 22.7.
  - d. Minutes of closed meetings of a government body. (Iowa Code section 21.5(4))
  - e. Identifying details in final orders, decisions and opinions to the extent required to prevent a clearly unwarranted invasion of personal privacy or trade secrets under Iowa Code section 17A.3(1) “d.”
  - f. Those portions of commission staff manuals, instructions or other statements issued which set forth criteria or guidelines to be used by commission staff in auditing, in making inspections, in settling commercial disputes or negotiating commercial arrangements, or in the selection or handling of cases, such as operational tactics or allowable tolerances or criteria for the defense, prosecution or settlement of cases, when disclosure of these statements would:
    - (1) Enable law violators to avoid detection;
    - (2) Facilitate disregard of requirements imposed by law; or
    - (3) Give a clearly improper advantage to persons who are in an adverse position to the agency.
 (Iowa Code sections 17A.2 and 17A.3)
  - g. Records which constitute attorney work product, attorney-client communications, or which are otherwise privileged. Attorney work product is confidential under Iowa Code sections 22.7(4), 622.10 and 622.11, Iowa R.C.P. 1.503, the rules of evidence, the Code of Professional Responsibility, and case law.
  - h. Criminal investigative reports. (Iowa Code section 22.7(5))
  - i. Information gathered during an investigation during pendency of the investigation or information requested for inspection by the commission or a representative of the commission. (Iowa Code sections 99D.7(9), 99D.19(3), 99E.3(2), 99E.8(2), 99F.4(6), 99F.12(2), and 99F.12(4))
  - j. Personnel files and employee records. Information required for tax withholding, information concerning employee benefits, affirmative action reports, and other information concerning the employer-employee relationship. Some of this information is confidential under Iowa Code section 22.7(11).
  - k. Security plans, surveillance system plans and records, network audits, internal controls, and compliance records of the licensees that are made available to the commission that would enable law violators to avoid detection and give a clearly improper advantage to persons who are in an adverse position to the agency. (Iowa Code sections 17A.2, 17A.3, 22.7(18), 99D.19(3), 99E.8(4), 99F.12(2) “b” and 99F.12(4))
  - l. Promotional play receipts records and marketing expenses. (Iowa Code sections 99D.19(3), 99E.8(4) and 99F.12(4))
  - m. Patron and customer records. (Iowa Code sections 99D.19(3), 99E.8(4) and 99F.12(4))
  - n. Supplemental schedules to the certified audit that are obtained by the commission in connection with the annual audit under Iowa Code sections 99D.20, 99E.9 and 99F.13. (Iowa Code sections 99D.19(3) and 99F.12(4))
  - o. Names, social security numbers and any other personally identifiable information regarding persons who have voluntarily excluded themselves and are a part of the interactive Internet site maintained by the commission. (Iowa Code sections 99D.7(23) and 99F.4(22) as amended by 2018 Iowa Acts, House File 2349)
- [ARC 3608C, IAB 1/31/18, effective 3/7/18; ARC 4378C, IAB 3/27/19, effective 5/1/19; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—3.14(17A,22) Personally identifiable information.** The commission maintains systems of records which contain personally identifiable information.

**3.14(1) Board of stewards or gaming board hearings and contested case records.** Records are maintained in paper and computer files and contain names and identifying numbers of people involved. Evidence and documents submitted as a result of a hearing are contained in the board of stewards or gaming board hearing or contested case records as well as summary lists of enforcement activities.

Records are collected by authority of Iowa Code chapters 99D, 99E and 99F. None of the information stored in a data processing system is compared with information in any other data processing system.

**3.14(2) *Occupational licensing.*** Records associated with occupational licensing conducted under Iowa Code chapters 99D, 99E and 99F are maintained by this commission. The licensing system of records includes numerous files and crossfiles which include but are not limited to: computer storage of licensing records and photos, fingerprint cards, and license applications. The records associated with occupational licenses, which contain personally identifiable information, are open for public inspection only upon the approval of the administrator or the administrator's designee. The information stored in a data processing system is not compared with information in any other data processing system.

**3.14(3) *List of contested cases and stewards' hearings.*** The commission may utilize a listing of contested case and stewards' hearings furnished by a national organization and provide individually identifiable information to that organization. The list is used for purposes delineated in Iowa Code chapter 99D.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

These rules are intended to implement Iowa Code section 22.11 and chapters 99D and 17A.

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[Filed ARC 5075C (Notice ARC 5026C, IAB 4/8/20), IAB 7/1/20, effective 8/5/20]

## CHAPTER 6 OCCUPATIONAL AND VENDOR LICENSING

[Prior to 11/19/86, Racing Commission[693]]

[Prior to 11/18/87, Racing and Gaming Division[195]]

### **491—6.1(99D,99E,99F) Definitions.**

*“Applicant”* means an individual applying for an occupational license.

*“Beneficial interest”* means any and all direct and indirect forms of ownership or control, voting power, or investment power held through any contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise.

*“Board”* means either the board of stewards or the gaming board, as appointed by the administrator, whichever is appropriate. The administrator may serve as a board of one.

*“Commission”* means the Iowa racing and gaming commission.

*“Commission representative”* means a gaming representative, steward, or any person designated by the commission or commission administrator.

*“Conviction”* means the act or process of judicially finding someone guilty of a crime; the state of a person’s having been proved guilty; the judgment that a person is guilty of a crime or criminal offense, which includes a guilty plea entered in conjunction with a deferred judgment, and a juvenile who has been adjudicated delinquent. The date of conviction shall be the date the sentence and judgment is entered.

*“Deceptive practice”* means any deception or misrepresentation made by the person with the knowledge that the deception or misrepresentation could result in some benefit to the person or some other person.

*“Facility”* means an entity licensed by the commission to conduct pari-mutuel wagering, gaming or sports wagering operations in Iowa.

*“Internet fantasy sports contest service provider”* means a person, including a licensee under Iowa Code chapter 99D or 99F, who conducts an internet fantasy sports contest as authorized by Iowa Code chapter 99E.

*“Jockey”* means a person licensed to ride a horse in a race.

*“Kennel/stable name”* means any type of name other than the legal name or names used by an owner or lessee and registered with the commission.

*“Licensee”* means a person licensed by the commission to perform an occupation which the commission has identified as requiring a license for a person to work in the pari-mutuel, gambling structure, excursion gambling boat, sports wagering or internet fantasy sports contest industry in Iowa.

*“Occupation”* means a license category listed on the commission’s occupational license application form.

*“Owner”* means a person or entity that holds any title, right or interest, whole or partial, in a racing animal.

*“Rules”* means the rules promulgated by the commission to regulate the racing and gaming industries, sports wagering, and internet fantasy sports contests.

*“Sports wagering”* means the acceptance of wagers on an authorized sporting event by any system of wagering as authorized by the commission. “Sports wagering” does not include placing a wager on the performance or nonperformance of any individual athlete participating in a single game or match of a collegiate sporting event in which a collegiate team from this state is a participant, or placing a wager on the performance of athletes in an individual international sporting event governed by the international olympic committee in which any participant in the international sporting event is under 18 years of age.

*“Theft”* includes, but is not limited to:

1. The act of taking possession or control of either facility property or the property of another without the express authorization of the owner;
2. The use, disposition, or destruction of property in a manner which is inconsistent with or contrary to the owner’s rights in such property;
3. Misappropriation or misuse of property the person holds in trust for another; or

4. Any act which constitutes theft as defined by Iowa Code chapter 714. No specific intent requirement is imposed by rule 491—6.5(99D,99E,99F) nor is it required that there be any showing that the licensee received personal gain from any act of theft.

“Year” means a calendar year.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.2(99D,99E,99F,252J) Occupational licensing.**

**6.2(1)** All licensees for internet fantasy sports contests and all persons participating in any capacity at a racing or gaming facility, with the exception of certified law enforcement officers while they are working for the facility as uniformed officers, are required to be properly licensed by the commission.

a. License applicants may be required to furnish to the commission a set of fingerprints and may be required to be refingerprinted or rephotographed periodically.

b. License applicants must supply current photo identification and proof of their social security number and date of birth.

c. License applicants must complete and sign the application form prescribed and published by the commission. An incomplete application shall not be processed. The application shall state the full name, social security number, residence, date of birth, and other personal identifying information of the applicant that the commission deems necessary. The application shall include, in part, whether the applicant has any of the following:

(1) A record of conviction of a felony or misdemeanor, including a record involving the entry of a deferred judgment and adjudications of delinquency;

(2) An addiction to alcohol or a controlled substance;

(3) A history of mental illness or repeated acts of violence;

(4) Military convictions;

(5) Adjudication of delinquency; or

(6) Overdue income taxes, fines, court-ordered legal obligations, or judgments.

d. License applicants for designated positions of higher responsibility may be required to complete a division of criminal investigation (DCI) background form.

e. A fee set by the commission shall be assessed to each license applicant. Once a license is issued, the fee cannot be refunded.

f. License applicants must pay an additional fee set by the Federal Bureau of Investigation (FBI) and by the department of public safety (DCI and bureau of identification) to cover the cost associated with the search and classification of fingerprints.

g. All racing and gaming commission fees for applications or license renewals must be paid by applicants or licensees before a license will be issued or renewed or, if the applicant is an employee of a facility, the commission fees will be directly billed to the facility.

h. An applicant who knowingly makes a false statement on the application is guilty of an aggravated misdemeanor.

i. Participation in racing and gaming, sports wagering, and internet fantasy sports contests in the state of Iowa is a privilege and not a right. The burden of proving qualifications to be issued any license is on the applicant at all times. An applicant must accept any risk of adverse public notice, embarrassment, criticism, or other action, as well as any financial loss that may result from action with respect to an application.

j. All licenses are conditional until completion of a necessary background investigation including, but not limited to, fingerprint processing through the DCI and the FBI and review of records on file with national organizations, courts, law enforcement agencies, and the commission.

k. Any licensee who allows another person use of the licensee's license badge for the purpose of transferring any of the benefits conferred by the license may be fined, have the license suspended or revoked, or be subject to any combination of the above-mentioned sanctions. No license shall be transferable and no duplicate licenses shall be issued except upon submission of an application form and payment of the license fee.

*l.* It shall be the affirmative responsibility and continuing duty of each applicant to provide all information, documentation, and assurances pertaining to qualifications required or requested by the commission or commission representatives and to cooperate with commission representatives in the performance of their duties. A refusal by any person to comply with a request for information from a commission representative shall be a basis for fine, suspension, denial, revocation, or disqualification.

*m.* Non-U.S. citizens must supply documentation authorizing them to work in the United States or supply documentation demonstrating compliance with the North American Free Trade Agreement.

*n.* Portions of all completed applications accepted by the commission are confidential. The following persons have the explicit right to review all information contained on the application: the applicant, all commission officials and employees, the track steward, and DCI agents or other law enforcement officers serving in their official capacity.

*o.* A license may not be issued or held by an applicant who is unqualified, by experience or otherwise, to perform the duties required.

*p.* A license may not be issued to applicants who have not previously been licensed in the following occupations except upon recommendation by the commission representative: trainers, assistant trainers, jockeys, apprentice jockeys, exercise persons, and other occupations the commission may designate. The commission representative may, for the purpose of determining a recommendation under this subrule, consult a representative of the facility, horsemen, or jockeys.

**6.2(2)** All facility board members and internet fantasy sports contest service provider board members shall undergo a background investigation and be licensed immediately upon appointment. For the purposes of this chapter, the term “board members” shall also include managers of limited liability companies.

**6.2(3)** Multiple license restrictions.

*a.* A person may work outside the licensed occupation as long as the person is licensed in an equal or higher occupation.

*b.* In horse racing only, the following restrictions apply:

(1) A person licensed as a jockey or veterinarian may not be licensed in another capacity.

(2) A person may not be licensed as an owner and a jockey agent.

(3) No racing official may serve or act in another capacity at a race meeting at which that person is licensed as an official except if there is no conflict of interest or duties as determined by the commission representative.

**6.2(4)** Application endorsements. The responsibility of licensing an employee rests with the employer. Therefore, a license may not be issued to any employee unless the application includes prior endorsement of the facility’s authorized representative. All facilities must submit a list of representatives authorized to sign applications. This list shall not exceed six names. This authorization list shall be sent to the commission licensing office associated with each facility.

**6.2(5)** An applicant who has not held a license for the previous calendar year shall be considered a first-time applicant.

**6.2(6)** Interim identification badge.

*a.* All interim identification badges issued by a facility must be recorded in a logbook, which is available for inspection by commission or DCI representatives. The logbook must reflect the following information: date issued; user’s name and date of birth (verified by photo ID); occupation; badge number; issuer; time issued; and time returned. Badges shall only be issued on a daily basis and must be returned before the employee leaves facility premises. A badge shall be effective only until the commission licensing office’s next day of business, and may not be used to avoid obtaining a duplicate license.

*b.* A badge shall only be issued if:

(1) An employee is hired during a time that the commission licensing office is closed; or

(2) An employee is not in possession of the employee’s occupational license.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.3(99D,99E,99F) Waiver of privilege.** An applicant may claim a privilege afforded by the Constitution of the United States or of the state of Iowa in refusing to answer questions of the commission. However, a claim of privilege with respect to any testimony or evidence pertaining to an application may constitute sufficient grounds for denial.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.4(99D,99E,99F) License acceptance.**

**6.4(1) Occupational license (license).** The license shall be displayed in a conspicuous manner on the licensee's clothing at all times while the licensee is on duty unless otherwise permitted by the commission representative. A licensee is prohibited from defacing, altering, or modifying a license.

**6.4(2) Knowledge of rules.** By acceptance of a license from the commission, the licensee agrees to follow and comply with the rules of the commission and Iowa statutes pertaining to racing and gaming, to report immediately to the commission representative any known irregularities or wrongdoing involving racing or gaming and to cooperate in subsequent investigations. Commission rules are available on the commission's website at [irgc.iowa.gov](http://irgc.iowa.gov).

**6.4(3) Search and seizure.** Acceptance of a license from the commission by any licensee is deemed consent to search and inspection by a commission or DCI representative and to the seizure of any prohibited medication, drugs, paraphernalia or devices.

**6.4(4) Misuse of license.** No person shall exercise or attempt to exercise any of the powers, privileges, or prerogatives of a license unless and until the appropriate licensing form has been executed and filed with the commission except under subrule 6.2(6). The commission shall exercise the power to regulate the conduct of all persons holding licenses or participating in racing or gaming.

[ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.5(99D,99E,99F) Grounds for denial, suspension, or revocation of a license or issuance of a fine.** The commission or commission representative shall deny an applicant a license or, if a license is already issued, a licensee shall be subject to probation, fine, suspension, revocation, or other disciplinary measures, if the applicant or licensee:

**6.5(1)** Does not qualify under the following screening policy:

*a.* Applicants must be at least 18 years of age to work in areas where gaming or wagering is conducted.

*b.* Applicants must be at least 16 years of age to be eligible to be licensed to work for a trainer of racing animals.

*c.* A license shall be denied if, within the last five years, an applicant has had:

(1) A felony conviction;

(2) A conviction for an offense involving theft or fraudulent practice in excess of \$500;

(3) A conviction for an offense involving the use of an alias in connection with fraud; or

(4) A conviction for an offense involving ownership, operation, or an interest in any bookmaking or other illegal enterprise or if the applicant is or has been connected with or associated with any illegal enterprise.

If the conviction occurred more than five years before application, a license shall not be issued unless the commission representative determines that sufficient evidence of rehabilitation exists.

*d.* Unless sufficient evidence of rehabilitation exists, a license shall be denied if any applicant has had:

(1) A conviction of a serious or aggravated misdemeanor or the equivalent; or

(2) Multiple convictions of simple misdemeanors.

*e.* A license shall be temporarily denied or suspended until the outcome of any pending charges is known if conviction would disqualify the applicant and the commission representative determines that the applicant poses an immediate danger to the public health, safety, or welfare of the patrons, participants, or animals associated with a facility licensed under Iowa Code chapter 99D, 99E or 99F.

*f.* A license shall be denied if the applicant has an addiction to alcohol or a controlled substance without sufficient evidence of rehabilitation, has a history of mental illness without demonstrating

successful treatment by a licensed medical physician, or has a history of repeated acts of violence without sufficient evidence of rehabilitation.

g. A license may be temporarily denied or a probationary license may be issued until outstanding, overdue court-ordered obligations are satisfied. These obligations include, but are not limited to, criminal or civil fines, state or federal taxes, or conditions imposed upon the applicant by a court of law that the applicant has failed to meet in a timely manner.

h. A license may be denied if an applicant is ineligible to participate in gaming in another state and it would not be in the best interest of racing or gaming to license the applicant in Iowa. A license shall be denied if an applicant is ineligible to participate in racing in another state whose regulatory agency is recognized by and reciprocates in the actions of this state.

i. A license shall be denied and not reinstated if an applicant has been denied patron privileges by order of the commission.

j. A license shall be denied if the applicant falsifies the application form and would be ineligible for licensure under one or more of the provisions set forth in paragraphs “a” through “i” above. In other cases of falsification, a license may be issued and the applicant shall be subject to a suspension, fine, or both.

k. A license shall be denied if an applicant is not of good repute or moral character. Any evidence concerning a licensee’s current or past conduct, dealings, habits, or associations relevant to that individual’s character or reputation may be considered. The commission representative shall decide what weight and effect evidence shall have in the determination of whether there is substantial evidence that the individual is not of good reputation or character. Applicants who hold positions of higher responsibility may be held to a more stringent standard of conduct and reputation than others with a less significant interest or role.

l. A license shall be denied if the applicant is a board member of an internet fantasy sports contest service provider and is under the age of 21.

**6.5(2)** Has not demonstrated financial responsibility or has failed to meet any monetary obligation in the following circumstances connected with racing, gaming, sports wagering, or an internet fantasy sports contest:

a. *Issuance or passing of bad checks.* No person shall write, issue, make, or present any check in payment for any license fee, nomination fee, entry fee, starting fee, or purse payment when that person knows or should reasonably know that the check will be refused for payment by the bank upon which it is written, or that the account upon which it is written does not contain sufficient funds for payment of the check, or that the check is written on a closed or nonexistent account.

b. *Judgments.* Whenever any person licensed to engage in racing suffers a final judgment entered against that person in any court of competent jurisdiction within the United States, when that judgment is based wholly, or in part, upon an indebtedness incurred by that person for supplies, equipment, or services furnished in connection with racing, the commission representatives shall schedule a hearing at which the licensee shall be required to show cause as to why the license should not be suspended.

c. *Timely payment.* Should an owner fail to make timely payment of any jockey fee, nomination fee, entry fee, starting fee, or any other reasonable charge normally payable to the facility, the facility shall notify the commission representatives who shall in turn give notice to the owner that a hearing will be held where the owner will be required to show cause why the license should not be suspended for failure to make the required payments.

**6.5(3)** Has been involved in any fraudulent or corrupt practices, including, but not limited to:

a. Offering, promising, giving, accepting, or soliciting a bribe in any form, directly or indirectly, to or by a person licensed by the commission to violate these rules or the laws of the state related to racing, gaming, sports wagering or internet fantasy sports contests.

b. Failing to report any bribe or solicitation as in 6.5(3) “a” above.

c. Soliciting by any licensee, except the facility, licensed advance deposit sports wagering operator or licensed internet fantasy sports contest service provider of bets by the public.

d. Violation of any law of the state or rule of the commission, or aiding or abetting any person in the violation of any such law or rule.

- e.* Theft or deceptive practice of any nature on the premises of a facility or in the performance of duties associated with advance deposit sports wagering or internet fantasy sports contests.
- f.* Giving under oath any false statement or refusing to testify, after proper notice, to the commission representative about any matter regulated by the commission, except in the exercise of a lawful legal privilege.
- g.* Failing to comply with any request for information or any order or ruling issued by the commission representative pertaining to a racing, gaming, sports wagering or internet fantasy sports contest matter.
- h.* Disorderly or offensive conduct; use of profane, abusive, or insulting language to, or interference with, commission representatives or racing or gaming officials while they are discharging their duties.
- i.* Conduct in Iowa or elsewhere that has been dishonest, undesirable, or detrimental to, or reflects negatively on, the integrity or best interests of racing, gaming, sports wagering or internet fantasy sports contests.
- j.* Illegal sale, possession, receipt, or use of a controlled substance or drug paraphernalia; intoxication; use of profanity; fighting; making threatening or intimidating statements; engaging in threatening or intimidating behavior; or any conduct of a disorderly nature on facility premises.
- k.* Discontinuance of or ineligibility for activity for which the license was issued.
- l.* Possessing a firearm on facility property without written permission from the commission representative.
- m.* Improperly influencing or attempting to improperly influence the results of a race, a gambling game, a sporting event that is subject to sports wagering, or an internet fantasy sports contest, singularly or in combination with any person.
- n.* Failing to report any attempt to improperly influence the result of a race, a gambling game, a sporting event that is subject to sports wagering, or an internet fantasy sports contest as in 6.5(3) “*m*” above.
- o.* Having had two rulings related to attempts to affect a race result or odds (rulings for electrical devices, serious positives, for example) in a lifetime or one ruling within the last three years. A license may be issued if one ruling has occurred outside of three years if sufficient evidence of rehabilitation exists. A license may be denied if a lengthy record of rulings from other jurisdictions exists.
- p.* Possessing any equipment for hypodermic injection, any substance for hypodermic administration, or any container designed to hold an injectable substance (narcotics, medications, drugs, or substances which could be used to alter the speed of racing animals) by anyone other than a veterinarian licensed by the commission. Notwithstanding the provisions of this subrule, any person may have possession of any chemical or biological substance for the person’s own treatment within a restricted area, provided that, if the chemical substance is prohibited from being dispensed without a prescription by any federal law or law of this state, the person is in possession of documentary evidence that a valid prescription has been issued to the person. Notwithstanding the provisions of this subrule, any person may have in possession within any restricted area any hypodermic syringe or needle for the purpose of self-administering to the person a chemical or biological substance, provided that the person has notified the commission representatives of the possession of the device, the size of the device, and the chemical substance to be administered and has obtained written permission for possession and use from the commission representative. A restricted area is a designated area for sample collection, paddock, racetrack, or any other area where officials carry out the duties of their positions.
- q.* Subjecting an animal to cruel and inhumane treatment by failing to supply it with adequate food, water, medical treatment, exercise, bedding, sanitation, and shelter; or by neglect or intentional act causing an animal to suffer unnecessary pain.
- r.* Offering or receiving money or other benefit for withdrawing a racing animal from a race.
- s.* Making a wager for a jockey by any person other than the owner or trainer of the horse ridden by the jockey.



t. Making a wager for a jockey on a horse by an owner or trainer other than that ridden by the jockey. This shall not be construed to include bets on another horse in combination with the horse ridden by the jockey in multiple wagering bets.

u. Offering or giving a jockey money or other benefit concerning a race, except by the owner or trainer of the horse to be ridden.

v. Entering or starting a racing animal known or believed to be ineligible or disqualified.

w. Possessing any device designed to increase or decrease the speed of a racing animal during a race other than an ordinary riding whip without written permission from the commission representative.

x. Communicating with or contacting a person who is voluntarily excluded pursuant to Iowa Code chapter 99D or 99F for gaming-, wagering-, or internet fantasy sports contest-related activities.

[ARC 8029B, IAB 8/12/09, effective 9/16/09; ARC 2927C, IAB 2/1/17, effective 3/8/17; ARC 4378C, IAB 3/27/19, effective 5/1/19; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

#### **491—6.6(99D,99E,99F) Applications for license after denial, revocation, or suspension.**

**6.6(1)** Any person whose license was denied or revoked may reapply for a license in accordance with the commission's rules governing applications. However, the applicant must satisfy the following conditions:

a. The applicant shall bear the burden of proof of establishing satisfaction with all license criteria and shall provide proof of satisfaction of any terms or conditions imposed as a part of the commission's order denying or revoking the license;

b. The applicant shall allege facts and circumstances establishing, to the commission's satisfaction, sufficient evidence of rehabilitation and that the basis for the denial or revocation no longer exists;

c. The applicant shall establish that the public interest and the integrity of racing and gaming would not be adversely affected if a license is granted; and

d. If the license was revoked, a new application shall not be filed until five years have elapsed from the date of the order of revocation.

**6.6(2)** Any person whose license was suspended for 365 days or more may file a new application for a license upon the expiration of the period of suspension but must satisfy all of the conditions set forth in 6.6(1) "a," "b," and "c" above. If a person's license has not expired after the 365-day suspension, the person must have a hearing before a board to determine if the person has satisfied all of the conditions set forth in 6.6(1) "a," "b," and "c" above prior to that individual's participating in racing or gaming.

[ARC 4378C, IAB 3/27/19, effective 5/1/19; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.7(99D,99E,99F) Probationary period placed on a license.** The commission representative or the board may place a probationary period on a license. The terms of the probationary period shall include the effective dates, conditions placed on the licensee and any penalty for failure to follow those conditions, including fine, suspension, denial, or revocation.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.8(99D,99E,99F) Duration of license.** A license issued by the commission is valid for three calendar years. The license shall expire at the end of the third calendar year, unless an extension is granted by the administrator.

[ARC 2468C, IAB 3/30/16, effective 5/4/16; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

#### **491—6.9(99D,99E,99F) Licensed employees moving from one location to another.**

**6.9(1)** Once an applicant obtains an occupational license from the commission and is in good standing, the applicant is eligible to work at any of the facilities in the state of Iowa.

**6.9(2)** When a facility hires a person who is already in possession of a current occupational license, a list of the person(s) hired must be filed weekly with the local commission office before the person(s) begins working. The list should contain the license number, name, social security number, and birth date of each person hired.

[ARC 3608C, IAB 1/31/18, effective 3/7/18; ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.10(99D,99E,99F) Required report of discharge of licensed employee.** Upon discharge of any licensed employee by any licensed employer for violation of rules or laws within the jurisdiction of the commission, the employer must report that fact in writing, within 72 hours, to the local commission office, including the name and occupation of the discharged licensee. In the case of discharge of a board member of an internet fantasy sports contest service provider, the employer must report that fact in writing, within 72 hours, to the Des Moines commission office, including the name and occupation of the discharged licensee.

[ARC 4618C, IAB 8/28/19, effective 7/31/19; ARC 5016C, IAB 4/8/20, effective 5/13/20]

**491—6.11(99D,99E,252J) Receipt of certificate of noncompliance from the child support recovery unit.**

**6.11(1)** Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

**6.11(2)** The effective date of suspension or revocation, or denial of the issuance or renewal of a license, as specified in the notice, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

**6.11(3)** The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

**6.11(4)** Upon receipt of a withdrawal of a certificate of noncompliance from the child support recovery unit, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

**6.11(5)** All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

**491—6.12(99D,99E,261) Receipt of a certificate of noncompliance from the college student aid commission.** Rescinded ARC 5075C, IAB 7/1/20, effective 8/5/20.

**491—6.13(99D,99E,272D) Receipt of certificate of noncompliance from the centralized collection unit of the department of revenue.**

**6.13(1)** Upon the commission's receipt of a certificate of noncompliance, a commission representative shall initiate procedures for the suspension, revocation, or denial of issuance or renewal of licensure to an individual. A notice of intended action shall be served by restricted certified mail, return receipt requested, or by personal service in accordance with Iowa Rule of Civil Procedure 1.305.

**6.13(2)** The effective date of suspension or revocation, or denial of the issuance or renewal of a license, as specified in the notice, shall be no sooner than 30 days following service of the notice upon the licensee or applicant.

**6.13(3)** The filing of a district court action by a licensee or applicant challenging the issuance of a certificate of noncompliance shall automatically stay any administrative action. Upon the receipt of a court order lifting the stay, dismissing the action, or otherwise directing the commission, the intended action will proceed as described in the notice. For purposes of determining the effective date of suspension or revocation, or denial of the issuance or renewal of a license, only the number of days before the action was filed and the number of days after the action was disposed of by the court will be counted.

**6.13(4)** Upon receipt of a withdrawal of a certificate of noncompliance from the centralized collection unit, the commission representative shall immediately reinstate, renew, or issue a license if the individual is otherwise in compliance with licensing requirements.

**6.13(5)** All commission fees for applications or license renewals must be paid by licensees or applicants before a license will be issued or renewed.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.14(99D,99F) Vendor's license.**

**6.14(1)** A vendor's license is required of any entity not licensed as a manufacturer or distributor that conducts operations on site at a facility.

**6.14(2)** An applicant for a vendor's license must complete the appropriate commission form. An authorized representative from the facility for which the vendor wishes to do continuous business must sign the form. A letter from the facility authorizing the vendor to do business shall replace a signature on the application form.

**6.14(3)** Any employee who works for a licensed vendor and will be supplying the goods or services to the facility must have a vendor employee license. A vendor license must be issued before a vendor employee can be issued a license to represent that company. The authorized signature on the vendor employee's application must be the signature of the person authorized by the vendor application to sign vendor employee applications.

**6.14(4)** Rescinded IAB 9/29/04, effective 11/3/04.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.15(99D,99F) Applicability of rules—exceptions.** Rules pertaining to and rulings against licensees shall apply in like force to the spouse and members of the immediate family or household of the licensee if the continuation of participation in racing or gaming by the affected person circumvents the intent of the rule or affects the ruling by permitting a person under the control or direction of the licensee to serve in essence as a substitute for a suspended licensee, or a person ineligible to participate in a particular activity.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.16(99D) Disclosure of ownership of racing animals.** All entities of ownership (individual, lessee, lessor, general partnership, or corporation) and all trainers are responsible for making full and accurate disclosure of the ownership of all racing animals registered or entered for racing. Disclosure shall identify in writing all individuals or entities that, directly or indirectly, through a contract, lien, lease, partnership, stockholding, syndication, joint venture, understanding, relationship (including family relationship), present or reversionary right, title or interest, or otherwise hold any interest in a racing animal, and those individuals or entities who by virtue of any form of interest might exercise control over the racing animal or may benefit from the racing of the animal. The degree and type of ownership held by each individual person shall be designated. The transfer of a racing animal to avoid application of a commission rule or ruling is prohibited and constitutes grounds for discipline.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.17(99D) Owners of racing animals.**

**6.17(1)** Each greyhound owner must obtain an owner's license from the commission to enter an animal in an official schooling race or a purse race at an Iowa racetrack.

**6.17(2)** Each owner is subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of accommodations from or approved by a facility or upon making entry to run on its track. Owners shall accept the decision of the commission representative on any and all questions, subject to the owner's right of appeal to the commission.

**6.17(3)** An owner who is under the age of 18 must have a parent or guardian cosign any contractual agreements.

**6.17(4)** No person or entity that is not the owner of record of a properly registered racing animal that is in the care of a licensed trainer may be licensed as an owner.

**6.17(5)** Temporary horse owner license. Rescinded IAB 11/5/08, effective 12/10/08.  
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.18(99D) Kennel/stable name.**

**6.18(1)** Licensed owners and lessees wishing to race under a kennel/stable name may do so by applying for a license with the commission on forms furnished by the commission. All kennel/stable names must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D).

**6.18(2)** A kennel/stable name license is only necessary if the kennel/stable name is a name other than the licensed owner's legal name (first and last name), the owner's full name followed by the word "kennel" or "stable," or a licensed partnership or corporation.

**6.18(3)** In applying to race under a kennel/stable name, the applicant must disclose the identities behind the name and, if applicable, comply with partnership and corporation rules. The application form must appoint one person to act as the agent for the kennel/stable name.

**6.18(4)** Changes in identities involved in a kennel/stable name must be reported immediately to and approved by the commission representative.

**6.18(5)** A licensed owner who has registered under a kennel/stable name may at any time cancel the kennel/stable name after giving written notice to the commission.

**6.18(6)** A kennel/stable name may be changed by registering a new name.

**6.18(7)** A licensed owner may not register a kennel/stable name that the commission determines to be either misleading to the public or unbecoming to the sport.

**6.18(8)** Neither sole owners nor partners, after adopting use of a kennel/stable name, may use their real names to reflect ownership that is reflected in the kennel/stable name.

**6.18(9)** A fee set by the commission shall be assessed for each application for a kennel/stable name license.

**6.18(10)** No person may register with any racing authority a stable name which has already been registered by another person, or which is the real name of another owner of race horses, or which is the real or stable name of any prominent person who does not own race horses, or which is not plainly distinguishable from that of another registered stable name.

**6.18(11)** Contract kennels must be licensed with the commission, on forms furnished by the commission, in the name of the kennel booking contract entered into between the contract kennel and the facility; this name shall be listed in the official program as "kennel."

**6.18(12)** A licensed kennel owner shall not be a party to more than one kennel name at the same facility.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.19(99D) Leases (horse racing only).**

**6.19(1)** No licensee shall lease a racing animal for the purpose of racing at facilities in this state without prior approval of the commission representatives.

**6.19(2)** Both lessor and lessee must be licensed as owners.

**6.19(3)** Each licensee who leases a racing animal must submit a copy of that lease to the commission representatives. The lease must contain the conditions of the lease arrangement and the names of all parties and racing animals related to the lease. Failure to submit accurate and complete information under this rule is a violation of these rules.

**6.19(4)** Both seller and purchaser, or their agents or representatives, of a racing animal that is sold after being registered for racing with a racing association shall immediately notify the commission representatives of the sale and transfer. The commission representatives may require a declaration of the facts of the sale and transfer under oath and penalty of perjury.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.20(99D) Partnerships owning racing animals.**

**6.20(1)** A partnership is defined as a formal or informal arrangement between two or more persons to own a racing animal. All partnerships, excluding spouses, must be licensed with the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D).

**6.20(2)** The managing partner(s) listed on the application and all parties owning 5 percent or more must be licensed as individual owners.

*a.* The commission representative may request a partnership to have on file with the commission an agreement whereby the managing partner(s) is designated to be responsible for each racing animal. This agreement must be notarized and must be signed by all partners. A copy of this agreement must be attached to the registration certificate on file in the racing secretary's office.

*b.* It will be the responsibility of the managing partner(s) to make sure that all parties are eligible for licensure. The commission representative shall deny, suspend, or revoke the license of any partnership in which a member (either qualified or limited by rights or interests held, or controlled by any individual or entity) would be ineligible to be licensed as an owner or to participate in racing.

*c.* Any owner who is a member of a partnership may be required to list all racing animals that the owner intends to race in Iowa in which an interest is owned (either in whole or in part).

*d.* All parties to a partnership shall be jointly and severally liable for all stakes, forfeits, and other obligations.

*e.* An authorized agent may be appointed to represent the partnership in all matters and be responsible for all stakes, forfeits, entries, scratches, signing of claim slips, and other obligations in lieu of the managing partner(s).

**6.20(3)** A partnership name under which a racing animal races shall be considered a kennel/stable name for purposes of these rules. It will not be necessary for the partnership to obtain a kennel/stable name license.

**6.20(4)** Any partner's share or partial share of a partnership that owns a racing animal shall not be assigned without the written consent of the other partner(s), the commission representative's approval, and filing with the racing secretary. Any alteration in a partnership structure or percentages must be reported promptly in writing, notarized, signed by all members of the partnership, and filed with the commission.

**6.20(5)** The commission representative may review the ownership of each racing animal entered to race and shall ensure that each registration certificate or eligibility certificate is properly endorsed by the transferor to the present owner(s). The commission representative may determine the validity for racing purposes of all liens, transfers and agreements pertaining to ownership of a racing animal and may call for adequate evidence of ownership at any time. The commission representative may declare any animal ineligible to race if its ownership, or control of its ownership, is in question.

**6.20(6)** A fee set by the commission shall be assessed for each application for a partnership license. [ARC 7658B, IAB 3/25/09, effective 3/23/09; ARC 2927C, IAB 2/1/17, effective 3/8/17]

#### **491—6.21(99D) Corporations owning racing animals.**

**6.21(1)** All corporations must be duly licensed by the commission on forms furnished by the commission, and in accordance with the requirements of 491—6.17(99D). In addition, any stockholder owning a beneficial interest of 5 percent or more of the corporation must be licensed as an owner. The corporation must submit a complete list of stockholders owning a beneficial interest of 5 percent or more.

**6.21(2)** The corporation stockholders owning less than 5 percent of the stock of a corporation need not be licensed; however, the commission may request a list of these stockholders. The list shall include names, percentages owned, addresses, social security numbers, and dates of birth. These stockholders shall not have access to the backstretch, to the paddock area, or to the winner's circle other than as guests of a facility, commission representatives, or designated licensees and may be required to submit additional information as requested by the commission representative, which may include a release for confidential information and submission of fingerprint cards; and the commission may assess costs, as required, for criminal history checks. This information shall be supplied to the commission representative within 30 days of the date of the request.

**6.21(3)** Any and all changes in either the corporation structure or the respective interest of stockholders as described above must be notarized and promptly filed with the commission representatives.

**6.21(4)** The corporate name under which the corporation does business in Iowa shall be considered a kennel/stable name for purposes of these rules. It shall not be necessary for the corporation to obtain a kennel/stable name license.

**6.21(5)** A corporation, in lieu of an executive officer, may appoint a racing manager or an authorized agent for the purposes of entry, scratches and the signing of claim slips, among other obligations.

**6.21(6)** The commission representative may deny, suspend, or revoke the license of a corporation for which a beneficial interest includes or involves any person or entity that is ineligible (through character, moral fitness or any other criteria employed by the commission) to be licensed as an owner or to participate in racing, regardless of the percentage of ownership interest involved.

**6.21(7)** Any stockholder holding a beneficial interest of 5 percent or more of a corporation must, in addition to being licensed, list any interest owned in all racing animals in which any beneficial interest is owned.

**6.21(8)** The corporation must pay a prescribed fee to the commission.  
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.22(99D) Authorized agents for owner entities of racing animals.**

**6.22(1)** Any persons represented by a kennel name, stable name, corporation, partnership, or single person entity may assign an agent for the kennel name, stable name, corporation, partnership, or single person entity. The assigned agent is then authorized to handle matters pertaining to racing, which may include authorization to collect all purses or other moneys.

**6.22(2)** The application for a license as an authorized agent must be signed by the principal and clearly set forth the powers of the agent, including whether the agent is empowered to collect money from the facility. The application must be notarized and a copy must be filed with the facility.

**6.22(3)** Changes in an agent's powers or revocation of an agent's authority must be in writing, notarized, and filed with the commission's licensing office and the facility.

**6.22(4)** The authorized agent must pay a prescribed fee to the commission.  
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.23(99D) Trainers and assistant trainers of racing animals.**

**6.23(1)** All trainers and assistant trainers of racing animals and their employees are subject to the laws of Iowa and the rules promulgated by the commission immediately upon acceptance and occupancy of accommodations from or approved by the facility or upon making entry to run on its track. Trainers, assistant trainers, and their employees shall accept the decision of the commission representative on any and all questions, subject to their right of appeal to the commission.

**6.23(2)** Licensing of trainers and assistant trainers. Eligibility:

*a.* An applicant must be at least 18 years of age to be licensed by the commission as a trainer or assistant trainer.

*b.* An applicant must be qualified, as determined by the commission representative, by reason of experience, background, and knowledge of racing. A trainer's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or more of the following:

(1) A written examination.

(2) An interview or oral examination.

(3) A demonstration of practical skills in a "barn test" (horse racing only).

*c.* An applicant must have a racing animal eligible to race and registered to race at the current race meeting.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.24(99D) Jockeys and apprentice jockeys.**

**6.24(1)** *Eligibility.*

a. An applicant for a jockey license must be at least 16 years of age, and if under 18 years of age, the applicant must have the written consent of a parent or guardian.

b. A jockey shall pass a physical examination given within the previous 12 months by a licensed physician affirming fitness to participate as a jockey. The commission representatives may require that any jockey be reexamined and may refuse to allow any jockey to ride pending completion of such examination.

c. An applicant shall show competence by prior licensing, demonstration of riding ability, or temporary participation in races. An applicant may participate in a race or races, with the commission representative's prior approval for each race, not to exceed five races.

d. A jockey shall not be an owner or trainer of any horse competing at the race meeting where the jockey is riding.

e. A person who has never ridden in a race at a recognized meeting shall not be granted a license as jockey or apprentice jockey.

**6.24(2) Apprentice jockeys.**

a. The conditions of an apprentice jockey license do not apply to quarter horse racing. A jockey's performance in quarter horse racing does not apply to the conditions of an apprentice jockey license.

b. An applicant with an approved apprentice certificate may be licensed as an apprentice jockey.

c. An applicant for an apprentice jockey license must be at least 16 years of age, and if under 18 years of age, the applicant must have written consent of parent or guardian. Before such license is granted, the gaming representative shall ascertain that the applicant has suitable qualifications and aptitude to hold an apprentice jockey's license and that the applicant has not been previously licensed as a jockey under any jurisdiction.

d. Rescinded IAB 1/30/08, effective 3/5/08.

**6.24(3) Jockeys from foreign countries.** Upon making application for a license in this jurisdiction, jockeys from a foreign country shall declare that they are holders of valid licenses in their countries, not under suspension, and bound by the rules and laws of this state. To facilitate this process, the jockey shall present a declaration sheet to the commission representative in a language recognized in this jurisdiction. [ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.25(99D) Jockey agent.**

**6.25(1)** An applicant for a license as a jockey agent shall:

a. Provide written proof of agency with at least one jockey licensed by the commission; and

b. Be qualified, as determined by the commission representative, by reason of experience, background, and knowledge. A jockey agent's license from another jurisdiction may be accepted as evidence of experience and qualifications. Evidence of qualifications may require passing one or both of the following:

(1) A written examination.

(2) An interview or oral examination.

c. An applicant not previously licensed as a jockey agent shall be required to pass a written and oral examination.

**6.25(2)** A jockey agent may serve as agent for no more than two jockeys and one apprentice jockey. [ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.26(99D) Driver.** In determining eligibility for a driver's license, the board shall consider:

1. Whether the applicant has obtained the required U.S.T.A. license.

2. Evidence of driving experience and ability to drive in a race.

3. The age of the applicant. No person under 18 years of age shall be licensed by the commission as a driver. However, a person under 18 years of age, but at least 16 years of age who has the written consent of a parent or guardian, may be licensed to drive in qualifying races only.

4. Evidence of physical and mental ability.

5. Results of a written examination to determine qualifications to drive and knowledge of commission rules.

6. Record of rule violations.  
[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.27(99D) Practicing veterinarians.** Every veterinarian practicing on facility premises must have an unrestricted and current license to practice veterinary science issued by the state of Iowa veterinary regulatory authority and shall be licensed by the commission in accordance with the commission rules governing occupational licensing.

**6.27(1)** Every veterinarian seeking to be licensed by the commission shall submit verification of a current and unrestricted license to practice veterinary science issued by the state of Iowa veterinary regulatory authority.

**6.27(2)** A veterinarian seeking to be licensed by the commission shall disclose in the veterinarian's application to the commission all disciplinary action taken against any licenses to practice veterinary science held by the applicant.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.28(99D,99F) Alcohol and drug testing.**

**6.28(1)** *Alcohol prohibition/preliminary breath test.* Licensees whose duties require them to be in a restricted area of a racing facility shall not have present within their systems an amount of alcohol of 0.05 percent or more. A restricted area is a designated area for sample collection, paddock, racetrack, or other area where racing officials carry out the duties of their positions.

Acting with reasonable cause, a commission representative may direct the above licensees to submit to a preliminary breath test. A licensee shall, when so directed, submit to examination.

If the results show a reading of 0.05 percent alcohol content or more, the licensee shall not be permitted to continue duties for that day. For a second violation, the licensee shall not be permitted to continue duties for that day and then shall be subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see 6.28(3)).

If the results show a reading of 0.10 percent alcohol content or more, the licensee is subject to fine or suspension by the board or commission representative. For a subsequent violation, the licensee may be subject to procedures following positive chemical analysis (see 6.28(3)).

**6.28(2)** *Drug prohibition/body fluid test.* Licensees whose duties require them to be in a restricted area, as defined in subrule 6.28(1), of a racing facility shall not have present within their systems any controlled substance as listed in Schedules I to V of U.S.C. Title 21 (Food and Drug Section 812), Iowa Code chapter 124 or any prescription drug unless it was obtained directly or pursuant to valid prescription or order from a duly licensed physician who is acting in the course of professional practice. Acting with reasonable cause, a commission representative may direct the above licensees to deliver a specimen of urine or subject themselves to the taking of a blood sample or other body fluids at a collection site approved by the commission. In these cases, the commission representative may prohibit the licensee from participating in racing until the licensee evidences a negative test result. Sufficient sample should be collected to ensure a quantity for a split sample when possible. A licensee who refuses to provide the samples herein described shall be in violation of these rules and shall be immediately suspended and subject to disciplinary action by the board or commission representative. All confirmed positive test costs and any related expenses shall be paid for by the licensee. Negative tests shall be at the expense of the commission.

With reasonable cause noted, an on-duty commission representative may direct a licensee to deliver a test. The commission representative shall call the approved laboratory or hospital and provide information regarding the person who will be coming; that the licensee will have a photo ID; the name and number to call when the licensee arrives; to whom and where to mail the results; and who should be called with the results. The licensee will be directed to immediately leave the work area and proceed to an approved laboratory or hospital for testing with the following directions:

1. If under impairment, the licensee must have another person drive the licensee to the laboratory or hospital.



2. On arrival at the laboratory or hospital, the licensee must show the license to the admitting personnel for verification.

3. On arrival at the laboratory or hospital, the licensee shall be required to sign a consent for the release of information of the results to a commission representative.

**6.28(3) Procedures following positive chemical analysis.**

a. After professional evaluation, if the licensee's condition proves nonaddictive and not detrimental to the best interest of racing, and the licensee can produce a negative test result and agrees to further testing at the discretion of the commission representative to ensure unimpairment, the licensee may be allowed to participate in racing.

b. After professional evaluation, should the licensee's condition prove addictive or detrimental to the best interest of racing, the licensee shall not be allowed to participate in racing until the licensee can produce a negative test result and show documented proof of successful completion of a certified alcohol/drug rehabilitation program approved by the commission. The licensee must also agree to further testing at the discretion of the commission representative to ensure unimpairment.

c. For a second violation, a licensee shall be suspended and allowed to enroll in a certified alcohol/drug rehabilitation program approved by the administrator and to apply for reinstatement only at the discretion of the administrator.

[ARC 7658B, IAB 3/25/09, effective 3/23/09]

**491—6.29(99D) Time by which owner, jockey and trainer must be licensed.** The owner (includes stable names, partnerships, and corporations), the jockey and the trainer of a horse entered to race must be licensed by the first post time of the race card for the day in which the horse is entered.

[ARC 7658B, IAB 3/25/09, effective 3/23/09; ARC 2468C, IAB 3/30/16, effective 5/4/16]

These rules are intended to implement Iowa Code chapters 99D and 99F.

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CHAPTER 98  
WILD TURKEY SPRING HUNTING  
[Prior to 12/31/86, Conservation Commission[290] Ch 111]

RESIDENT WILD TURKEY SPRING HUNTING

**571—98.1(483A) General.** Wild turkey may be taken during the spring season subject to the following:

**98.1(1) License.** When hunting wild turkey, all hunters must have in possession a wild turkey spring hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No one, while hunting wild turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license for any of the spring seasons. The hunter who is assisting may not shoot a turkey or carry a firearm or bow unless the hunter has a valid license with an unused tag for the current season.

*a. Two types of licenses will be issued.*

(1) Combination shotgun-or-archery license. Combination shotgun-or-archery licenses shall be issued by season and shall be valid statewide in the designated season only.

(2) Archery-only license. Archery-only licenses shall be valid statewide and shall be valid during all seasons open for spring turkey hunting, except the youth season.

*b. Number of licenses.* No one may apply for or obtain more than two paid spring wild turkey hunting licenses. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. If two paid combination shotgun-or-archery licenses are obtained, at least one must be for season 4. If one paid combination shotgun-or-archery license and one archery-only license are obtained, the combination shotgun-or-archery license must be for season 4.

**98.1(2) Daily bag and possession limit.** Season possession limit, including daily bag limit, is one bearded (or male) wild turkey per license.

**98.1(3) Shooting hours.** Shooting hours shall be from one-half hour before sunrise to sunset.

**571—98.2(483A) Means and method of take.**

**98.2(1) Permitted weapons.** Wild turkey may be taken in accordance with the type of license issued as follows:

*a. Combination shotgun-or-archery license.* Wild turkey may be taken by shotgun or muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes number 4 through 8 lead or nontoxic shot; and by bow and arrow as defined in paragraph 98.2(1) “b.” A person shall not have shotshells containing shot of any size other than number 4 through 8 lead or nontoxic shot on the person while hunting wild turkey.

*b. Archery-only license.* Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

**98.2(2) Prohibited devices.** The use of live decoys, dogs, horses, motorized vehicles, aircraft, bait, crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds are prohibited. Paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Paraplegic” means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. “Bait” means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food

products; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

**98.2(3) Zones.** A person with a resident wild turkey spring hunting license may take wild turkey statewide.

**98.2(4) Seasons.** Seasons will be established in accordance with the type of license issued.

*a. Combination shotgun-or-archery licenses.* Consecutive seasons are 4, 5, 7, and 19 days, respectively, with the first season beginning on the second Monday of April. These seasons shall be designated as seasons 1, 2, 3 and 4, respectively.

*b. Archery-only licenses.* The season shall be 35 days beginning on the second Monday of April. [ARC 9656B, IAB 8/10/11, effective 9/14/11; ARC 3832C, IAB 6/6/18, effective 7/11/18; ARC 5065C, IAB 7/1/20, effective 8/5/20]

**571—98.3(483A) Procedures to obtain licenses.** All spring wild turkey hunting licenses will be sold using the electronic licensing system for Iowa (ELSI). Licenses may be purchased through ELSI license agents, by calling the ELSI telephone ordering system, or through the ELSI Internet license sales website.

**98.3(1)** Spring wild turkey hunting licenses will be sold beginning December 15 through the last day of the season for which the license is valid.

**98.3(2)** License quotas. There will be no quotas for combination shotgun-or-archery licenses or for archery-only licenses for resident hunters.

**98.3(3)** Landowner/tenant licenses. An eligible landowner or tenant may obtain a free combination shotgun-or-archery license or a free archery-only license. Nonresident landowners are not eligible for free turkey hunting licenses.

*a. Free combination shotgun-or-archery licenses.* A free combination shotgun-or-archery license will be issued by season and will be valid only on the farm unit of the landowner or tenant.

*b. Free archery-only licenses.* A free archery-only license will be valid for all seasons but only on the farm unit of the landowner or tenant.

*c. Number of licenses.* One paid combination shotgun-or-archery license or one paid archery-only license may be obtained in addition to the free shotgun-or-archery license or the free archery-only license. If a free archery-only license and a paid combination shotgun-or-archery license are obtained, the shotgun-or-archery license must be for season 4. If a free shotgun-or-archery license and a paid shotgun-or-archery license are obtained, one of the licenses must be for season 4.

**571—98.4(483A) Transportation tag.** Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

**571—98.5(483A) Eligibility for free landowner/tenant turkey licenses.**

**98.5(1) Who qualifies for a free turkey hunting license.**

*a.* Owners and tenants of a farm unit and the spouse or domestic partner as defined by the Iowa department of administrative services and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

*b.* “Juvenile child” means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a

high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

**98.5(2) *Who qualifies as a tenant.*** A “tenant” is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner’s family, including in some circumstances the landowner’s spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

**98.5(3) *Definition of “actively engaged in farming.”*** Landowners and tenants are “actively engaged in farming” if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party that operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

**98.5(4) *Landowners who qualify as active farmers.*** These landowners:

- a. Are the sole operator of a farm unit (along with immediate family members); or
- b. Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work; or
- c. Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant; or
- d. Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements; or
- e. May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually; or
- f. Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

**98.5(5) *Landowners who do not qualify.*** These landowners:

- a. Use a farm manager or other third party to operate the farm; or
- b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

**98.5(6) *Where free licenses are valid.*** A free license is valid only on the farm unit of the landowner or tenant. “Farm unit” means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes, and that are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. “Agricultural purposes” includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

**98.5(7) *How many free licenses may be obtained.*** The maximum number of free licenses for the spring turkey season is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). If there is no tenant, the landowner’s family may obtain only one license. A tenant or the tenant’s family is entitled to only one free license even if the tenant farms land for more than one landowner.

**98.5(8) *Registration of landowners and tenants.*** Landowners and tenants and their eligible family members who want to obtain free spring wild turkey hunting licenses must register with DNR before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

#### **571—98.6(483A) Youth spring wild turkey hunt.**

**98.6(1) *Licenses.*** A special youth spring wild turkey hunting license valid statewide may be issued to any Iowa resident who is 15 years old or younger on the date the youth purchases the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free license for which the youth’s family is eligible. Each participating youth must be accompanied by an adult who possesses a valid wild turkey spring hunting license for one of the seasons and a hunting license, and has paid the habitat fee (if the adult is

normally required to have a hunting license and to pay the habitat fee to hunt). The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times. A person may obtain only one youth turkey hunting license but may also obtain one archery-only license or one combination shotgun-or-archery license for season 4.

**98.6(2) *Youth season dates.*** The youth turkey hunting license shall be valid during the three days immediately before the first turkey season. A person who is issued a youth spring wild turkey hunting license and does not take a wild turkey during the youth spring wild turkey hunting season may use the wild turkey hunting license and unused tag during any remaining spring wild turkey hunting season in the year in which the youth license was issued.

**98.6(3) *Limits and license quotas.*** An unlimited number of licenses may be issued. The daily and season bag and possession limit is one bearded (or male) wild turkey.

**98.6(4) *Method of take and other regulations.*** Wild turkeys may be taken with shotguns, muzzleloaded shotguns or bows as described in 571—98.2(483A). All other spring wild turkey hunting regulations for residents shall apply.

**98.6(5) *Procedures for obtaining licenses.*** Paid and free youth season licenses may be obtained through ELSI beginning December 15 through the last day of the youth season.

[ARC 9656B, IAB 8/10/11, effective 9/14/11; ARC 3832C, IAB 6/6/18, effective 7/11/18]

**571—98.7(481A) Harvest reporting.** Each hunter who bags a turkey must report that kill according to procedures described in 571—95.1(481A).

**571—98.8** Reserved.

#### NONRESIDENT WILD TURKEY SPRING HUNTING

**571—98.9(483A) General.** Wild turkey may be taken during the spring season subject to the following:

**98.9(1) *License.*** When hunting wild turkey, all hunters must have in possession a valid nonresident wild turkey spring hunting license, the unused transportation tag issued with that license, a valid nonresident hunting license, and proof of having paid the current year's habitat fee. No one, while hunting turkey, shall carry or have in possession any license or transportation tag issued to another hunter. No one who is issued a wild turkey license and transportation tag shall allow another person to possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses will be issued by zone and season and will be valid in the designated zone and season only. No one shall obtain more than one nonresident wild turkey spring hunting license. A hunter having a license valid for one of the spring turkey seasons may accompany, call for, or otherwise assist any other hunter who has a valid turkey hunting license in that season and zone. The hunter who is providing assistance may not shoot a turkey or carry a firearm or bow unless that hunter has a valid license and an unused tag for the current season and zone. Two types of licenses will be issued:

*a. Combination shotgun-or-archery license.* Shotguns, muzzleloading shotguns and archery equipment as defined in subrule 98.12(1) may be used.

*b. Muzzleloading shotgun-only license.* Only muzzleloading shotguns as defined in subrule 98.12(1) may be used.

**98.9(2) *Seasons.*** Bearded (or male) wild turkey may be taken only by the use of shotguns, muzzleloading shotguns, and bow and arrow during the first, second, third or fourth seasons as defined in 98.2(4)“a.”

**98.9(3) *Daily bag, possession and season limits.*** The daily bag limit is one bearded (or male) wild turkey; the possession and season limit is one bearded (or male) wild turkey.

**98.9(4) *Shooting hours.*** Shooting hours shall be from one-half hour before sunrise to sunset each day.

**98.9(5) *Special licenses.*** The commission shall issue licenses in conformance with Iowa Code section 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified

by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[ARC 8253B, IAB 11/4/09, effective 12/9/09; ARC 3832C, IAB 6/6/18, effective 7/11/18]

**571—98.10(483A) Zones open to hunting.** Licenses shall be valid only in designated areas as follows:

1. Zone 4. Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59.
2. Zone 5. Zone 5 is that portion of Iowa bounded on the north by U.S. Highway 20 and on the east by U.S. Highway 59.
3. Zone 6. Zone 6 is that portion of Iowa lying east of U.S. Highway 63 and north of Interstate Highway 80.
4. Zone 7. Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80, and on the east by U.S. Highway 63.
5. Zone 8. Zone 8 is that portion of Iowa north of U.S. Highway 20 and west of U.S. Highway 63.

**571—98.11(483A) License quotas.** A limited number of wild turkey hunting licenses will be issued in each zone in each season as follows:

**98.11(1) *Combination shotgun-or-archery licenses.***

- a. Zone 4. 262.
- b. Zone 5. 55.
- c. Zone 6. 165.
- d. Zone 7. 35.
- e. Zone 8. 20.

**98.11(2) *Muzzleloading shotgun-only licenses.*** 150 statewide. A hunter purchasing a muzzleloading shotgun license must declare a zone and season and hunt only in that zone and season.

**571—98.12(483A) Means and method of take.**

**98.12(1) *Permitted weapons.*** Wild turkey may be taken only with shotguns and muzzleloading shotguns not smaller than 20-gauge and shooting only shot sizes number 4 through 8 lead or nontoxic shot. No person may have shotshells containing shot of any size other than number 4 through 8 lead or nontoxic shot on the person while hunting wild turkey. Except for crossbows for persons with certain afflictions of the upper body, as provided in 571—15.22(481A), only longbow, compound, or recurve bows shooting broadhead arrows are permitted. Blunthead arrows with a minimum diameter of 9/16 inch may also be used. Arrows must be at least 18 inches long. No explosive or chemical devices may be attached to the arrow, broadhead, or blunthead.

**98.12(2) *Prohibited devices.*** The use of live decoys, dogs, horses, motorized vehicles, aircraft, bait, crossbows, except as otherwise provided, and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds are prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Paraplegic" means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. "Bait" means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

[ARC 3832C, IAB 6/6/18, effective 7/11/18]

**571—98.13(483A) Application procedure.** Applications for nonresident wild turkey spring hunting licenses must be made through the electronic licensing system for Iowa (ELSI) telephone ordering system or the ELSI Internet license sales website. Applications will be accepted from December 15 through the last Sunday in January. No one may submit more than one application during the application period.

If applications have been sold in excess of the license quota for any license type, zone, or season, a drawing will be held to determine which applicants receive licenses. Licenses or refunds of license fees will be mailed to applicants after the drawing is completed. License agent writing fees, department administrative fees, Internet sales charges and telephone order charges will not be refunded. If any license quota has not been filled, the excess licenses will be sold first-come, first-served through the telephone ordering system or the Internet license sales website beginning at 6 a.m. the second Saturday after the close of the application period until the quota has been filled or the last day of the season for which the license is valid, whichever occurs first. No one may obtain more than one nonresident wild turkey spring hunting license. Hunters may apply individually or as a group of up to 15 applicants. All members of a group will be accepted or rejected as a group in the drawing. If a group is rejected, members of that group may purchase licenses individually if excess licenses are available.

Each individual applicant who is unsuccessful in the drawing will be assigned one preference point for each year in which the individual applies and is unsuccessful. If a person who was unsuccessful in the drawing purchases a leftover license within four weeks, the person will receive a refund for the cost of the preference point. Preference points will not accrue in a year in which an applicant fails to apply, but the applicant will retain any preference points previously earned. Once an applicant receives a license, all preference points will be erased. Preference points will apply to any zone or season for which a hunter applies. The first license drawing each year will be made from the pool of applicants with the most preference points. If licenses are still available after the first drawing, subsequent drawings will be made from pools of applicants with successively fewer preference points and continue until the license quota is reached or all applicants have received licenses. Applicants who apply as a group will be included in a pool of applicants with the same number of preference points as that of the member of the group with the fewest preference points assigned.

[ARC 9656B, IAB 8/10/11, effective 9/14/11]

**571—98.14(483A) Transportation tag.** Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey spring hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

**571—98.15(481A) Harvest reporting.** Each hunter who bags a turkey must report that kill according to procedures described in 571—95.1(481A).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.1, 483A.7 and 483A.24.

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†See HJR 5 of 2003 Session of Eightieth General Assembly.



CHAPTER 99  
WILD TURKEY FALL HUNTING

**571—99.1(481A) General.** When hunting wild turkey, all hunters must have in possession a fall wild turkey hunting license valid for the current year, the unused transportation tag issued with that license, a hunting license, and evidence of having paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person shall carry or have in possession a fall wild turkey hunting license or transportation tag issued to another person while hunting wild turkey. No one who is issued a wild turkey hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while turkey hunting or tagging a turkey. Licenses for the fall turkey season will only be issued to Iowa residents except as specified in subrule 99.2(4).

[ARC 8254B, IAB 11/4/09, effective 12/9/09]

**571—99.2(481A) Licenses.**

**99.2(1) *Paid combination shotgun-or-archery licenses.*** Paid combination shotgun-or-archery licenses shall be valid for taking turkeys of either sex in the zone designated on the license.

**99.2(2) *Paid archery-only licenses.*** Paid archery-only licenses shall be valid statewide for taking turkeys of either sex.

**99.2(3) *Number of licenses.*** No one may apply for or obtain more than two wild turkey fall hunting licenses, whether free or paid. A hunter may obtain no more than two combination shotgun-or-archery licenses, or two archery-only licenses, or one of each. One license of either type may be free to eligible landowners or tenants.

**99.2(4) *Special licenses.*** The commission shall issue licenses in conformance with Iowa Code section 483A.24(12) to nonresidents 21 years of age or younger who have a severe physical disability or who have been diagnosed with a terminal illness. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant has a severe physical disability or a terminal illness using the criteria listed in 571—Chapter 15. A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[ARC 7920B, IAB 7/1/09, effective 8/5/09; ARC 8254B, IAB 11/4/09, effective 12/9/09; ARC 3832C, IAB 6/6/18, effective 7/11/18]

**571—99.3(481A) Seasons.** Wild turkey may be taken only during specified periods as follows:

**99.3(1) *Combination shotgun-or-archery season.*** The dates for the combination shotgun-or-archery season shall be from the Monday following the second Saturday in October through the Friday before the first Saturday in December of the same year.

**99.3(2) *Archery-only season.*** The dates for the fall archery-only wild turkey hunting season shall be the same as the dates for the bow season for deer as defined in 571—Chapter 106.

**571—99.4(481A) Zones.** Wild turkey may be taken with a combination shotgun-or-archery license only in the following zones:

**99.4(1) *Zone 4.*** Zone 4 is that portion of Iowa bounded on the north by Interstate Highway 80 and on the west by U.S. Highway 59.

**99.4(2) *Zone 5.*** Zone 5 is that portion of Iowa bounded on the east by U.S. Highway 59 and on the north by U.S. Highway 20.

**99.4(3) *Zone 6.*** Zone 6 is that portion of Iowa bounded on the south by Interstate Highway 80 and on the west by U.S. Highway 63.

**99.4(4) *Zone 7.*** Zone 7 is that portion of Iowa bounded on the north by U.S. Highway 20, on the west by U.S. Highway 59, on the south by Interstate Highway 80, and on the east by U.S. Highway 63.

**99.4(5) *Zone 8.*** Zone 8 is that portion of Iowa bounded on the south by U.S. Highway 20, on the east by U.S. Highway 63, and on the west by U.S. Highway 69.

**99.4(6) Zone 9.** Zone 9 is that portion of Iowa bounded on the south by U.S. Highway 20 and on the east by U.S. Highway 69.

**571—99.5(481A) Quotas.**

**99.5(1) Combination shotgun-or-archery licenses.** A limited number of paid combination shotgun-or-archery licenses will be issued by zone as follows:

- a. Zone 4. 1,500
- b. Zone 5. 650
- c. Zone 6. 1,400
- d. Zone 7. 250
- e. Zone 8. 200
- f. Zone 9. 200

**99.5(2) Archery-only licenses.** The number of archery-only licenses shall not be limited.

**99.5(3) Free landowner-tenant licenses.** The number of free licenses shall not be limited.

**99.5(4) Additional licenses.** Additional combination shotgun-or-archery licenses may be added to zone quotas if turkey surveys indicate that annual brood production and turkey populations are high enough to warrant additional hunting opportunity. The licenses will be added at the discretion of the natural resource commission upon advice from the wildlife bureau.

[ARC 7920B, IAB 7/1/09, effective 8/5/09; ARC 5065C, IAB 7/1/20, effective 8/5/20]

**571—99.6(481A) Daily, season, and possession bag limits.** The daily, season, and possession bag limit is one wild turkey per license.

**571—99.7(481A) Shooting hours.**

**99.7(1) Combination shotgun-or-archery season.** Shooting hours shall be from one-half hour before sunrise to sunset each day.

**99.7(2) Archery-only season.** Shooting hours shall be from one-half hour before sunrise to one-half hour after sunset each day.

**571—99.8(481A) Means and method of take.**

**99.8(1) Permitted weapons.** In accordance with the type of license issued, wild turkey may be taken by shotgun and muzzleloading shotgun not smaller than 20-gauge and shooting only shot sizes number 4 through 8 lead or nontoxic shot; and by longbow, recurve, or compound bow shooting broadhead or blunthead (minimum diameter 9/16 inch) arrows only. No person may carry or have in possession shotshells containing shot of any size other than number 4 through 8 lead or nontoxic shot while hunting wild turkey. Arrows with chemical or explosive pods are not permitted.

**99.8(2) Prohibited devices.** The use of live decoys, horses, motorized vehicles, aircraft, bait and the use or aid of recorded or electronically amplified bird calls or sounds, or recorded or electronically amplified imitations of bird calls or sounds are prohibited. Paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. “Paraplegic” means an individual afflicted with paralysis of the lower half of the body with the involvement of both legs, usually due to disease of or injury to the spinal cord. “Bait” means grain, fruit, vegetables, nuts or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife.

[ARC 3832C, IAB 6/6/18, effective 7/11/18]

**571—99.9(481A) Procedures to obtain licenses.** All paid and free resident fall turkey hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents or by calling the ELSI telephone ordering system.

**99.9(1) Licenses with quotas.** All paid turkey hunting licenses for which a quota is established may be obtained from ELSI agents on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

**99.9(2) *Licenses without quotas.*** All paid and free turkey hunting licenses that have no quota may be obtained from ELSI agents beginning August 15 through the last day of the hunting period for which a license is valid.

**99.9(3) *Providing false information.*** If anyone provides false information when obtaining any fall turkey hunting license, that license and transportation tag and any other fall turkey hunting license and transportation tag obtained during the same year shall be invalid.

**571—99.10(481A) *Transportation tag.*** Immediately upon the killing of a wild turkey, the transportation tag issued with the license and bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of the turkey. The hunter who shot the turkey must use the transportation tag issued to that hunter to tag the turkey. No one may tag a turkey with a transportation tag issued to another hunter. The tag must be attached in such a manner that it cannot be removed without mutilating or destroying the tag. The tag must be attached before the carcass can be moved in any manner from the place of kill. The transportation tag shall remain affixed to the leg of the turkey until the turkey is processed for consumption. The leg that bears the tag must be attached to the carcass of any wild turkey being transported within the state during any wild turkey hunting season. The tag shall be proof of possession of the carcass by the above-mentioned licensee.

**571—99.11(481A) *Eligibility for free landowner/tenant turkey licenses.***

**99.11(1) *Who qualifies for free turkey hunting license.***

*a.* Owners and tenants of a farm unit and the spouse or domestic partner as defined by the Iowa department of administrative services and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free turkey licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

*b.* “Juvenile child” means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

**99.11(2) *Who qualifies as a tenant.*** A “tenant” is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner’s family, including in some circumstances the landowner’s spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

**99.11(3) *What “actively engaged in farming” means.*** Landowners and tenants are “actively engaged in farming” if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

**99.11(4) *Landowners who qualify as active farmers.*** These landowners:

- a.* Are the sole operator of a farm unit (along with immediate family members), or
- b.* Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or
- c.* Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or
- d.* Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or
- e.* May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or
- f.* Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

**99.11(5)** *Landowners who do not qualify.* These landowners:

- a. Use a farm manager or other third party to operate the farm, or
- b. Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

**99.11(6)** *Where free licenses are valid.* A free license is valid only on the farm unit of the landowner or tenant. “Farm unit” means all parcels of land that are at least two contiguous acres in size, that are operated as a unit for agricultural purposes, and that are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. “Agricultural purposes” includes but is not limited to field crops, livestock, horticultural crops (e.g., nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

**99.11(7)** *How many free licenses may be obtained.* The maximum number of free licenses for the fall turkey season is two per farm unit, one for the landowner (or family member) and one for the tenant (or family member). If there is no tenant, the landowner’s family may obtain only one license. A tenant or the tenant’s family is entitled to only one free license even if the tenant farms land for more than one landowner.

**99.11(8)** *Registration of landowners and tenants.* Landowners and tenants and their eligible family members who want to obtain free fall wild turkey hunting licenses must register with DNR before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

**571—99.12(481A) Harvest reporting.** Each hunter who bags a turkey must report that kill according to procedures described in 571—95.1(481A).

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.7 and 483A.24.

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CHAPTER 106  
DEER HUNTING BY RESIDENTS  
[Prior to 12/31/86, Conservation Commission[290] Ch 106]

**571—106.1(481A) Licenses.** When hunting deer, all hunters must have in their possession a valid deer hunting license and a valid resident hunting license and must have paid the habitat fee (if normally required to have a hunting license and to pay the habitat fee to hunt). No person while hunting deer shall carry or have in possession any license or transportation tag issued to another person. No one who is issued a deer hunting license and transportation tag shall allow another person to use or possess that license or transportation tag while that person is deer hunting or tagging a deer.

**106.1(1) Type of license.**

*a. General deer licenses.* General deer licenses shall be valid for taking deer in one season selected at the time the license is purchased. General deer licenses shall be valid for taking deer of either sex except in Buena Vista, Calhoun, Cherokee, Clay, Dickinson, Emmet, Hamilton, Humboldt, Ida, Kossuth, Lyon, O'Brien, Osceola, Palo Alto, Plymouth, Pocahontas, Sac, Sioux, Webster, and Wright Counties during the first regular gun season when the general deer license will be valid for taking deer with at least one forked antler. Paid general deer licenses shall be valid statewide except where prohibited in deer population management zones established under 571—Chapter 105. Free general deer licenses shall be valid for taking deer of either sex only on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

*b. Antlerless-deer-only licenses.* Antlerless-deer-only licenses shall be valid for taking deer that have no forked antler. Paid antlerless-deer-only licenses shall be valid in one county or in one deer population management zone and in one season as selected at the time the license is purchased. Free and reduced-fee antlerless-deer-only licenses shall be valid on the farm unit of an eligible landowner or tenant in the season or seasons selected at the time the license is obtained.

**106.1(2) Bow season licenses.** General deer and antlerless-deer-only licenses, paid or free, shall be valid in both segments of the bow season.

**106.1(3) Regular gun season licenses.** Paid general deer and antlerless-deer-only licenses shall be valid in either the first or the second regular gun season, as designated on the license. Free general deer licenses and antlerless-deer-only licenses shall be valid in both the first and second regular gun seasons.

**106.1(4) Muzzleloader season licenses.** General deer and antlerless-deer-only licenses, paid or free, shall be valid in either the early or the late muzzleloader season, as designated on the license.

**106.1(5) November antlerless-deer-only licenses.** Rescinded IAB 7/11/12, effective 8/15/12.

**106.1(6) January antlerless-deer-only licenses.** Rescinded IAB 7/1/20, effective 8/5/20.

**106.1(7) Free and reduced-fee deer licenses for landowners and tenants.** A maximum of one free general deer license, two free antlerless-deer-only licenses, and two reduced-fee antlerless-deer-only licenses may be issued to a qualifying landowner or eligible family member and a qualifying tenant or eligible family member. Eligibility for licenses is described in 571—106.12(481A). The free general deer license shall be available for one of the following seasons: the youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. One free antlerless-deer-only license shall be available for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, or first and second regular gun seasons. The second free antlerless-deer-only license shall be valid only for the January antlerless-deer-only season and will be available only if a portion of the farm unit lies within a county where paid antlerless-deer-only licenses are available during that season. Each reduced-fee antlerless-deer-only license shall be valid for one of the following seasons: youth/disabled hunter season (if eligible), bow season, early muzzleloader season, late muzzleloader season, first and second regular gun seasons, or January antlerless-deer-only season. January antlerless-deer-only licenses will be available only if a portion of the farm unit is located in a county where paid antlerless-deer-only licenses are available in that season.

**106.1(8) Antlerless-deer-only crossbow licenses for senior citizens.** Persons 70 years old or older may obtain one paid antlerless-deer-only license valid statewide for taking antlerless deer with a crossbow. The license will be valid only during the bow season.

**106.1(9) Deer hunting licenses for nonambulatory persons.** The commission shall issue licenses in conformance with Iowa Code section 483A.8C. A person applying for this license must provide a completed form obtained from the department of natural resources. The application shall be certified by the applicant's attending physician with an original signature and declare that the applicant is nonambulatory using the criteria listed in Iowa Code section 483A.8C(4). A medical statement from the applicant's attending physician that specifies criteria met shall be on 8½" × 11" letterhead stationery. The attending physician shall be a currently practicing doctor of medicine, doctor of osteopathy, physician assistant or nurse practitioner.

[ARC 7921B, IAB 7/1/09, effective 8/5/09; ARC 8255B, IAB 11/4/09, effective 12/9/09; ARC 8888B, IAB 6/30/10, effective 8/18/10; ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20]

**571—106.2(481A) Season dates.** Deer may be taken only during the following seasons:

**106.2(1) Bow season.** Deer may be taken in accordance with the type of license issued from October 1 through the Friday before the first Saturday in December and from the Monday following the third Saturday in December through January 10 of the following year.

**106.2(2) Regular gun seasons.** Deer may be taken in accordance with the type, season and zone designated on the license from the first Saturday in December and continuing for five consecutive days (first regular gun season) or from the second Saturday in December and continuing for nine consecutive days (second regular gun season).

**106.2(3) Muzzleloader seasons.** Deer may be taken in accordance with the type, season and zone designated on the license from the Saturday closest to October 14 and continuing for nine consecutive days (early muzzleloader season) or from the Monday following the third Saturday in December through January 10 of the following year (late muzzleloader season).

**106.2(4) November antlerless-deer-only season.** Rescinded IAB 7/11/12, effective 8/15/12.

**106.2(5) January antlerless-deer-only season.** Rescinded IAB 7/1/20, effective 8/5/20.

[ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20]

**571—106.3(481A) Shooting hours.** Legal shooting hours shall be from one-half hour before sunrise to one-half hour after sunset in all seasons.

**571—106.4(481A) Limits.**

**106.4(1) Bow season.** The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

**106.4(2) Muzzleloader seasons.** The daily bag limit is one deer per license. The possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

**106.4(3) Regular gun seasons.** The bag limit is one deer for each hunter in the party who has a valid deer transportation tag. The possession limit is one deer per license. "Possession" shall mean that the deer is in the possession of the person whose license number matches the number of the transportation tag on the carcass of the deer.

**106.4(4) November antlerless-deer-only season.** Rescinded IAB 7/11/12, effective 8/15/12.

**106.4(5) January antlerless-deer-only season.** Rescinded IAB 7/1/20, effective 8/5/20.

**106.4(6) Maximum annual possession limit.** The maximum annual possession limit for a resident deer hunter is one deer for each legal license and transportation tag obtained.

[ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 5066C, IAB 7/1/20, effective 8/5/20]

**571—106.5(481A) Areas closed to hunting.** There shall be no open seasons for hunting deer on the county roads immediately adjacent to or through Union Slough National Wildlife Refuge, Kossuth County, where posted accordingly. There shall be no open seasons for hunting deer on all portions of rights-of-way on Interstate Highways 29, 35, 80 and 380.

**571—106.6(481A) Paid deer license quotas and restrictions.** Paid deer licenses, including antlerless-deer-only licenses, will be restricted in the type and number that may be purchased.

**106.6(1) Paid general deer licenses.** Residents may purchase no more than two paid general deer licenses, one for the bow season and one for one of the following seasons: early muzzleloader season, late muzzleloader season, first regular gun season, or second regular gun season. No more than 7,500 paid statewide general deer licenses will be sold for the early muzzleloader season. Fifty additional paid early muzzleloader season licenses will be sold through and will be valid only for the Iowa Army Ammunition Plant. There will be no quota on the number of paid general deer licenses issued in the bow season, late muzzleloader season, first regular gun season, or second regular gun season.

**106.6(2) Paid antlerless-deer-only licenses.** Paid antlerless-deer-only licenses have quotas for each county and will be sold for each county until quotas are reached.

*a.* Paid antlerless-deer-only licenses may be purchased for any season in counties where licenses are available, except as outlined in 106.6(2)“*b.*” A license must be used in the season, county or deer population management area selected at the time the license is purchased.

*b.* No one may obtain paid licenses for both the first regular gun season and second regular gun season regardless of whether the licenses are valid for any deer or antlerless deer only. Paid antlerless-deer-only licenses for the early muzzleloader season may only be purchased by hunters who have already purchased one of the 7,500 paid statewide general deer licenses. Hunters who purchase one of the 7,500 paid statewide general deer licenses for the early muzzleloader season may not obtain paid antlerless licenses for the first or second regular gun season.

*c.* Prior to September 15, a hunter may purchase one antlerless-deer-only license for any season for which the hunter is eligible. Beginning September 15, a hunter may purchase an unlimited number of antlerless-deer-only licenses for any season for which the hunter is eligible, as set forth in 106.6(2)“*b.*” until the county or population management area quotas are filled. Licenses purchased for deer population management areas will not count in the county quota.

**106.6(3) November antlerless-deer-only season.** Rescinded IAB 7/11/12, effective 8/15/12.

**106.6(4) January antlerless-deer-only licenses.** Rescinded IAB 7/1/20, effective 8/5/20.

**106.6(5) Free landowner/tenant licenses.** A person obtaining a free landowner/tenant license may purchase any combination of paid bow and paid gun licenses available to persons who are not eligible for landowner/tenant licenses as described in 571—106.12(481A).

**106.6(6) Antlerless-deer-only licenses.** Paid antlerless-deer-only licenses will be available by county as follows:

County	Quota	County	Quota	County	Quota
Adair	1200	Floyd	100	Monona	850
Adams	1200	Franklin	0	Monroe	2250
Allamakee	3800	Fremont	200	Montgomery	500
Appanoose	2700	Greene	0	Muscatine	775
Audubon	0	Grundy	0	O’Brien	0
Benton	325	Guthrie	2150	Osceola	0
Black Hawk	0	Hamilton	0	Page	500
Boone	300	Hancock	0	Palo Alto	0
Bremer	300	Hardin	0	Plymouth	0
Buchanan	300	Harrison	850	Pocahontas	0
Buena Vista	0	Henry	925	Polk	1350

County	Quota	County	Quota	County	Quota
Butler	150	Howard	450	Pottawattamie	850
Calhoun	0	Humboldt	0	Poweshiek	200
Carroll	0	Ida	0	Ringgold	1400
Cass	400	Iowa	450	Sac	0
Cedar	775	Jackson	1100	Scott	200
Cerro Gordo	0	Jasper	775	Shelby	0
Cherokee	0	Jefferson	1500	Sioux	0
Chickasaw	375	Johnson	850	Story	150
Clarke	2400	Jones	1100	Tama	300
Clay	0	Keokuk	450	Taylor	1500
Clayton	4000	Kossuth	0	Union	1400
Clinton	400	Lee	1500	Van Buren	2100
Crawford	0	Linn	850	Wapello	1700
Dallas	1875	Louisa	675	Warren	2700
Davis	1700	Lucas	2500	Washington	1000
Decatur	2200	Lyon	0	Wayne	2700
Delaware	950	Madison	3000	Webster	0
Des Moines	800	Mahaska	475	Winnebago	0
Dickinson	0	Marion	1850	Winneshiek	2700
Dubuque	975	Marshall	150	Woodbury	300
Emmet	0	Mills	500	Worth	0
Fayette	2300	Mitchell	100	Wright	0

[ARC 7921B, IAB 7/1/09, effective 8/5/09; ARC 8888B, IAB 6/30/10, effective 8/18/10; ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 0830C, IAB 7/10/13, effective 8/14/13; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 2086C, IAB 8/5/15, effective 9/9/15; ARC 2697C, IAB 8/31/16, effective 8/12/16; ARC 3098C, IAB 6/7/17, effective 7/12/17; ARC 3831C, IAB 6/6/18, effective 7/11/18; ARC 4531C, IAB 7/3/19, effective 8/7/19; ARC 5066C, IAB 7/1/20, effective 8/5/20]

**571—106.7(481A) Method of take.** Permitted weapons and devices vary according to the type of season.

**106.7(1) Bow season.** Only longbow, compound, or recurve bows shooting broadhead arrows are permitted during the bow season. Arrows must be at least 18 inches long.

*a.* Crossbows, as described in 106.7(1) “*b*,” may be used during the bow season in the following two situations:

- (1) By persons with certain afflictions of the upper body as provided in 571—15.22(481A); and
- (2) By persons over the age of 70 with an antlerless-deer-only license as provided in Iowa Code section 483A.8B.

*b.* Crossbow means a weapon consisting of a bow mounted transversely on a stock or frame and designed to fire a bolt, arrow, or quarrel by the release of the bow string, which is controlled by a mechanical trigger and a working safety. Crossbows equipped with pistol grips and designed to be fired with one hand are illegal for taking or attempting to take deer. All projectiles used in conjunction with a crossbow for deer hunting must be equipped with a broadhead.

*c.* No explosive or chemical device may be attached to any arrow, broadhead or bolt.

**106.7(2) Regular gun seasons.** Only 10-, 12-, 16-, and 20-gauge shotguns shooting single slugs, straight wall cartridge rifles as described in 106.7(2) “*a*” and “*b*,” muzzleloaders as described in 106.7(3), and handguns as described in 106.7(2) “*c*” to “*e*” shall be used to take deer during the regular gun seasons.

*a.* Legal straight wall cartridge rifle calibers for hunting deer in Iowa must meet all of the following criteria:

- (1) Be center-fired;
- (2) Be straight-walled;
- (3) Have a diameter of 0.357 inches to 0.500 inches;
- (4) Have a case length no greater than 1.800 inches; and
- (5) For rimless cartridges, have a case length of no less than 0.850 inches, and for rimmed cartridges, have a case length of no less than 1.285 inches.

b. Notwithstanding 106.7(2) "a," the following calibers are considered legal straight wall cartridge rifle calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

c. Legal centerfire handguns for hunting deer in Iowa must meet all of the following criteria:

- (1) Have a 4-inch minimum barrel length;
- (2) Have no shoulder stock or long barrel modifications;
- (3) Be designed to be shot with one hand using a pistol grip and have either:

1. A cylinder of several chambers brought successively into line with the barrel and discharged with the same hammer; or

2. A magazine feeding a single chamber integral with the barrel and using either the action of a slide or a bolt action to eject the casing, or having a break action capable of only holding one round.

d. Legal centerfire handgun calibers for hunting deer in Iowa must meet all of the following criteria:

- (1) Be center-fired;
- (2) Be straight-walled;
- (3) Have a diameter of 0.357 inches to 0.500 inches;
- (4) Have a case length no greater than 1.800 inches; and
- (5) For rimless cartridges, have a case length of no less than 0.850 inches, or for rimmed cartridges, have a case length of no less than 1.285 inches.

e. Notwithstanding 106.7(2) "d," the following calibers are considered legal centerfire handgun calibers:

- (1) .375 Winchester;
- (2) .444 Marlin; or
- (3) .45-70 Gov't.

**106.7(3) Muzzleloader seasons.** Only muzzleloading rifles and muzzleloading pistols will be permitted for taking deer during the early muzzleloader season. During the late muzzleloader season, deer may be taken with a muzzleloading rifle, muzzleloading pistol, centerfire handgun, crossbow as described in 106.7(1) "b," or bow as described in 106.7(1).

a. Muzzleloading rifles are defined as flintlock or percussion cap lock muzzleloaded rifles and muskets of not less than .44 caliber and not larger than .775 caliber, shooting single projectiles only.

b. Muzzleloading pistols must be .44 caliber or larger, shoot single projectiles only, and have a 4-inch minimum barrel length.

**106.7(4) November antlerless-deer-only season.** Rescinded IAB 7/11/12, effective 8/15/12.

**106.7(5) January antlerless-deer-only season.** Bows, crossbows, shotguns, muzzleloaders, and handguns as described in this rule, and centerfire rifles .24 caliber or larger, may be used during the January antlerless-deer-only season.

**106.7(6) Prohibited weapons and devices.** The use of dogs, domestic animals, bait, rifles other than muzzleloaded or straight wall cartridge as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5), handguns except as provided in 106.7(2) and 106.7(5), crossbows except as provided in 106.7(1) and 106.7(3), automobiles, aircraft, or any mechanical conveyance or device, including electronic calls, is prohibited, except that paraplegics and single or double amputees of the legs may hunt from any stationary motor-driven land conveyance. "Bait" means grain, fruit, vegetables, nuts, hay, salt, mineral blocks, or any other natural food materials; commercial products containing natural food materials; or by-products of such materials transported to or placed in an area for the intent of attracting wildlife. Bait

does not include food placed during normal agricultural activities. “Paraplegic” means an individual with paralysis of the lower half of the body with involvement of both legs, usually due to disease of or injury to the spinal cord. It shall be unlawful for a person, while hunting deer, to carry or have in possession a rifle except as provided in 106.7(2), 106.7(3), 106.7(5), and 106.10(5). A person in possession of a valid permit to carry weapons may carry a handgun while hunting. However, only handguns as described in 106.7(2) may be used to hunt deer and only when a handgun is a lawful method of take.

**106.7(7) *Discharge of firearms from roadway.*** No person shall discharge a rifle, including a muzzleloading rifle or musket, or a handgun from a highway while deer hunting. In addition, no person shall discharge a shotgun shooting slugs from a highway north of U.S. Highway 30. A “highway” means the way between property lines open to the public for vehicle traffic, including the road ditch, as defined in Iowa Code section 321.1(78).

**106.7(8) *Hunting from blinds.*** No person shall use a blind for hunting deer during the regular gun deer seasons as defined in 106.2(2), unless such blind exhibits a solid blaze orange marking which is a minimum of 144 square inches in size and is visible in all directions. Such blaze orange shall be affixed directly on or directly on top of the blind. For the purposes of this subrule, the term “blind” is defined as an enclosure used for concealment while hunting, constructed either wholly or partially from man-made materials, and used by a person who is hunting for the purpose of hiding from sight. A blind is not a naturally occurring landscape feature or an arrangement of natural or agricultural plant material that a hunter uses for concealment. In addition to the requirements in this subrule, hunters using blinds must also satisfy the requirements of wearing blaze orange as prescribed in Iowa Code section 481A.122.

[ARC 9717B, IAB 9/7/11, effective 10/12/11; ARC 0189C, IAB 7/11/12, effective 8/15/12; ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 2086C, IAB 8/5/15, effective 9/9/15; ARC 3098C, IAB 6/7/17, effective 7/12/17; ARC 3831C, IAB 6/6/18, effective 7/11/18]

**571—106.8(481A) Procedures to obtain licenses.** All resident deer hunting licenses must be obtained using the electronic licensing system for Iowa (ELSI). Licenses may be purchased from ELSI license agents, or online at [www.iowadnr.com](http://www.iowadnr.com), or by calling the ELSI telephone ordering system.

**106.8(1) *Licenses with quotas.*** All paid deer hunting licenses for which a quota is established may be obtained from the ELSI system on a first-come, first-served basis beginning August 15 until the quota fills, or through the last day of the hunting period for which the license is valid.

**106.8(2) *Licenses without quotas.*** All deer hunting licenses that have no quota may be obtained from the ELSI system beginning August 15 through the last day of the hunting period for which a license is valid.

**106.8(3) *Providing false information.***

*a.* Any person who provides false information about the person’s identity or eligibility for any paid or free landowner/tenant deer license and tag and who attests that the information is correct by accepting and signing the license or tag shall have the person’s hunting license revoked as a part of the sentencing for such criminal conviction, and the person shall not be issued a hunting license for one year pursuant to the authority of Iowa Code section 483A.24(2) “f” and rule 571—15.6(483A).

*b.* In addition to any legal penalties that may be imposed, the obtaining of a license in violation of this rule shall invalidate that deer license and transportation tag and any other deer hunting license and transportation tag obtained during the same year.

**571—106.9(481A) Transportation tag.** A transportation tag bearing the license number of the licensee, year of issuance, and date of kill properly shown shall be visibly attached to one leg of each antlerless deer or on the main beam between two points, if present, on one of the antlers of an antlered deer in such a manner that the tag cannot be removed without mutilating or destroying the tag. This tag shall be attached to the carcass of the deer within 15 minutes of the time the deer carcass is located after being taken or before the carcass is moved to be transported by any means from the place where the deer was taken, whichever occurs first. No person shall tag a deer with a transportation tag issued to another person or with a tag that was purchased after the deer was taken. During the youth/disabled hunter season, bow season, early muzzleloader season and late muzzleloader season, the hunter who killed the deer must tag the deer by using the transportation tag issued in that person’s name. During the first and second regular

gun seasons and the January antlerless-deer-only season, anyone present in the hunting party may tag a deer with a tag issued in that person's name. This tag shall be proof of possession and shall remain affixed to the carcass until such time as the animal is processed for consumption. The head, and antlers if any, shall remain attached to the deer while being transported by any means whatsoever from the place where taken to the processor or commercial preservation facility or until the deer has been processed for consumption.

[ARC 9717B, IAB 9/7/11, effective 10/12/11; ARC 0189C, IAB 7/11/12, effective 8/15/12]

**571—106.10(481A) Youth deer and severely disabled hunts.**

**106.10(1) Licenses.**

*a. Youth deer hunt.* A youth deer license may be issued to any Iowa resident who is not over 15 years old on the day the youth obtains the license. The youth license may be paid or free to persons eligible for free licenses. If the youth obtains a free landowner/tenant license, it will count as the one free general deer license for which the youth's family is eligible.

Each participating youth must be accompanied by an adult who possesses a regular hunting license and has paid the habitat fee (if the adult is normally required to have a hunting license and to pay the habitat fee to hunt). Only one adult may participate for each youth hunter. The accompanying adult must not possess a firearm or bow and must be in the direct company of the youth at all times.

A person may obtain only one youth general deer license but may also obtain any other paid or free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner with which other hunters obtain them, as described in 106.6(2).

*b. Severely disabled hunt.* Any severely disabled Iowa resident meeting the requirements of Iowa Code section 321L.1(8) may be issued one general deer license to hunt deer during the youth season. A person applying for this license must either possess a disability parking permit or provide a completed form from the department of natural resources. The form must be signed by a physician verifying that the person's disability meets the criteria defined in Iowa Code section 321L.1(8). The attending physician shall be currently practicing medicine and shall be a medical doctor, a doctor of osteopathy, a physician assistant, or a nurse practitioner. Forms are available online at [www.iowadnr.gov](http://www.iowadnr.gov), by visiting the DNR office at the Wallace State Office Building, Des Moines, Iowa, or any district office, or by calling (515)725-8200. A person between 16 and 65 years of age must also possess a regular hunting license and have paid the habitat fee to obtain a license (if normally required to have a hunting license and to pay the habitat fee to hunt). A severely disabled person obtaining this license may obtain any other paid and free general deer and antlerless-deer-only licenses that are available to other hunters. Antlerless-deer-only licenses must be obtained in the same manner by which other hunters obtain them, as described in 106.6(2).

**106.10(2) Season dates.** Deer of either sex may be taken statewide for 16 consecutive days beginning on the third Saturday in September. A person who is issued a youth deer hunting license and does not take a deer during the youth deer hunting season may use the deer hunting license and unused tag during any subsequent deer seasons. The license will be valid for the type of deer and in the area specified on the original license. The youth must follow all other rules specified in this chapter for each season, including method of take. If the tag is filled during any of the seasons, the license will not be valid in subsequent seasons.

**106.10(3) Shooting hours.** Legal shooting hours will be one-half hour before sunrise to one-half hour after sunset each day regardless of weapon used.

**106.10(4) Limits and license quotas.** An unlimited number of licenses may be issued. The daily and season bag and possession limit is one deer per license. A person may shoot and tag a deer only by utilizing the license and tag issued in the person's name.

**106.10(5) Method of take and other regulations.** Deer may be taken with shotgun, bow, straight wall cartridge rifles, or muzzleloaded rifles as permitted in 571—106.7(481A). All participants must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122. All other regulations for obtaining licenses or hunting deer shall apply.

**106.10(6) Procedures for obtaining licenses.** Paid and free youth season licenses and licenses for severely disabled hunters may be obtained through ELSI beginning August 15 through the last day of the youth season.

[ARC 1562C, IAB 8/6/14, effective 9/10/14; ARC 2086C, IAB 8/5/15, effective 9/9/15; ARC 3098C, IAB 6/7/17, effective 7/12/17; ARC 3831C, IAB 6/6/18, effective 7/11/18]

**571—106.11(481A) Deer depredation management.** The deer depredation management program provides assistance to producers through technical advice and additional deer licenses and permits where the localized reduction of female deer is needed to reduce damage. Upon signing a depredation management agreement with the department, producers of agricultural or high-value horticultural crops may be issued deer depredation permits to shoot deer causing excessive crop damage. If immediate action is necessary to forestall serious damage, depredation permits may be issued before an agreement is signed. Further permits will not be authorized until an agreement is signed.

**106.11(1) Method of take and other regulations.** Legal weapons and restrictions will be governed by 571—106.7(481A). For deer shooting permits only, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93. The producer or designee must meet the deer hunters' orange apparel requirement in Iowa Code section 481A.122.

**106.11(2) Eligibility.** Producers growing typical agricultural crops (such as corn, soybeans, hay and oats and tree farms and other forestlands under a timber management program) and producers of high-value horticultural crops (such as Christmas trees, fruit or vegetable crops, nursery stock, and commercially grown nuts) shall be eligible to enter into depredation management agreements if these crops sustain excessive damage.

- a. The producer may be the landowner or a tenant, whoever has cropping rights to the land.
- b. Excessive damage is defined as crop losses exceeding \$1,000 in a single growing season, or the likelihood that damage will exceed \$1,000 if preventive action is not taken, or a documented history of at least \$1,000 of damage annually in previous years.
- c. Producers who lease their deer hunting rights are not eligible for the deer depredation management program.

**106.11(3) Depredation management plans.** Upon request from a producer, field employees of the wildlife bureau will inspect and identify the type and amount of crop damage sustained from deer. If damage is not excessive, technical advice will be given to the producer on methods to reduce or prevent future damage. If damage is excessive and the producer agrees to participate, a written depredation management plan will be developed by depredation biologists in consultation with the producer.

a. The goal of the management plan will be to reduce damage to below excessive levels within a specified time period through a combination of producer-initiated preventive measures and the issuance of deer depredation permits.

(1) Depredation plans written for producers of typical agricultural crops may require preventive measures such as harassment of deer with pyrotechnics and cannons, guard dogs, and temporary fencing, as well as allowing more hunters, increasing the take of antlerless deer, and other measures that may prove effective.

(2) Depredation plans written for producers of high-value horticultural crops may include all of the measures in (1) above, plus permanent fencing where necessary. Fencing will not be required if the cost of a fence exceeds \$1,000.

(3) Depredation permits to shoot deer may be issued to Iowa residents to reduce deer numbers until long-term preventive measures become effective. Depredation permits will not be used as a long-term solution to deer damage problems.

b. Depredation management plans will normally be written for a three-year period with progress reviewed annually by the department and the producer.

- (1) The plan will become effective when signed by the depredation biologist and the producer.
- (2) Plans may be modified or extended if mutually agreed upon by the department and the producer.
- (3) Depredation permits will not be issued after the initial term of the management plan if the producer fails to implement preventive measures outlined in the plan.



**106.11(4) Depredation permits.** Two types of permits may be issued under a depredation management plan.

*a.* Deer depredation licenses. Deer depredation licenses may be sold to resident hunters only for the regular deer license fee for use during one or more legal hunting seasons. Depredation licenses will be available to producers of agricultural and horticultural crops.

(1) Depredation licenses will be issued up to the number specified in the management plan.

(2) The landowner or an eligible family member, which shall include the landowner's spouse or domestic partner and juvenile children, may obtain one depredation license for each season established by the commission. No other individual may initially obtain more than three depredation licenses per management plan. When a deer is reported harvested on one of these licenses, then another license may be obtained.

(3) Depredation licenses will be valid only for hunting antlerless deer, regardless of restrictions that may be imposed on regular deer hunting licenses in that county.

(4) Hunters may keep any deer legally tagged with a depredation license.

(5) All other regulations for the hunting season specified on the license will apply.

(6) Depredation licenses will be valid only on the land where damage is occurring and the immediately adjacent property unless the land is within a designated block hunt area as described in subparagraph (7). Other parcels of land in the farm unit not adjacent to the parcels receiving damage will not qualify.

(7) Block hunt areas are areas designated and delineated by wildlife biologists of the wildlife bureau to facilitate herd reduction in a given area where all producers may not qualify for the depredation program or in areas of persistent deer depredation. Depredation licenses issued to producers within the block hunt area are valid on all properties within the delineated boundaries. Individual landowner permission is required for hunters utilizing depredation licenses within the block hunt area boundaries. Creation of a given block hunt area does not authorize trespass.

*b.* Deer shooting permits. Permits for shooting deer outside an established hunting season may be issued to producers of high-value horticultural crops when damage cannot be controlled in a timely manner during the hunting seasons (such as late summer buck rubs in an orchard and winter browsing in a Christmas tree plantation) and to other agricultural producers who have an approved DNR deer depredation plan, and on areas such as airports where public safety may be an issue.

(1) Deer shooting permits will be issued at no cost to the applicant.

(2) The applicant or one or more designees approved by the department may take all the deer specified on the permit.

(3) Permits available to producers of high-value horticultural crops or agricultural crops may be valid for taking deer outside of a hunting season depending on the nature of the damage. The number and type of deer to be killed will be determined by a department depredation biologist and will be part of the deer depredation management plan.

(4) Permits issued due to public safety concerns may be used for taking any deer, as necessary, to address unpredictable intrusion which could jeopardize public safety. Permits may be issued for an entire year (January 1 through December 31) if the facility involved signs an agreement with the department.

(5) All deer killed must be recovered and processed for human consumption.

(6) The times, dates, place and other restrictions on the shooting of deer will be specified on the permit.

(7) Antlers from all deer recovered must be turned over to the conservation officer within 48 hours. Antlers will be disposed of according to department rules.

(8) For out-of-season shooting permits, there are no shooting hour restrictions; however, taking deer with an artificial light is prohibited by Iowa Code section 481A.93.

*c.* Depredation licenses and shooting permits will be issued in addition to any other licenses for which the hunters may be eligible.

*d.* Depredation licenses and shooting permits will not be issued if the producer restricts the legal take of deer from the property sustaining damage by limiting hunter numbers below levels required to

control the deer herd. This restriction does not apply in situations where shooting permits are issued for public safety concerns.

*e.* A person who receives a depredation permit pursuant to this paragraph shall pay a \$1 fee for each license that shall be used and is appropriated for the purpose of deer herd population management, including assisting with the cost of processing deer donated to the help us stop hunger (HUSH) program administered by the commission and a \$1 writing fee for each license to the license agent.

**106.11(5) Disposal.** Rescinded IAB 7/16/08, effective 8/20/08.  
[ARC 7921B, IAB 7/1/09, effective 8/5/09]

**571—106.12(481A) Eligibility for free landowner/tenant deer licenses.**

**106.12(1) Who qualifies for free deer hunting licenses.**

*a.* Owners and tenants of a farm unit and the spouse and juvenile child of an owner or tenant who reside with the owner or tenant are eligible for free deer licenses. The owner or tenant does not have to reside on the farm unit but must be actively engaged in farming it. Nonresident landowners do not qualify.

*b.* Juvenile child defined. “Juvenile child” means a person less than 18 years of age or a person who is 18 or 19 years of age and is in full-time attendance at an accredited school pursuing a course of study leading to a high school diploma or a high school equivalency diploma. A person 18 years of age or older who has received a high school diploma or high school equivalency diploma does not qualify.

**106.12(2) Who qualifies as a tenant.** A “tenant” is a person other than the landowner who is actively engaged in the operation of the farm. The tenant may be a member of the landowner’s family, including in some circumstances the landowner’s spouse or child, or a third party who is not a family member. The tenant does not have to reside on the farm unit.

**106.12(3) What “actively engaged in farming” means.** Landowners and tenants are “actively engaged in farming” if they personally participate in decisions about farm operations and those decisions, along with external factors such as weather and market prices, determine their profit or loss for the products they produce. Tenants qualify if they farm land owned by another and pay rent in cash or in kind. A farm manager or other third party who operates a farm for a fee or a laborer who works on the farm for a wage and is not a family member does not qualify as a tenant.

**106.12(4) Landowners who qualify as active farmers.** These landowners:

- a.* Are the sole operator of a farm unit (along with immediate family members), or
- b.* Make all decisions about farm operations, but contract for custom farming or hire labor to do some or all of the work, or
- c.* Participate annually in decisions about farm operations such as negotiations with federal farm agencies or negotiations about cropping practices on specific fields that are rented to a tenant, or
- d.* Raise specialty crops from operations such as orchards, nurseries, or tree farms that do not necessarily produce annual income but require annual operating decisions about maintenance or improvements, or
- e.* May have portions of the farm enrolled in a long-term land retirement program such as the Conservation Reserve Program (CRP) as long as other farm operations occur annually, or
- f.* Place their entire cropland in the CRP or other long-term land retirement program with no other active farming operation occurring on the farm.

**106.12(5) Landowners who do not qualify.** These landowners:

- a.* Use a farm manager or other third party to operate the farm, or
- b.* Cash rent the entire farm to a tenant who is responsible for all farm operations including following preapproved operations plans.

**106.12(6) Where free licenses are valid.** A free license is valid only on that portion of the farm unit that is in a zone open to deer hunting. “Farm unit” means all parcels of land in tracts of two or more contiguous acres that are operated as a unit for agricultural purposes and are under lawful control of the landowner or tenant regardless of how that land is subdivided for business purposes. Individual parcels of land do not need to be adjacent to one another to be included in the farm unit. “Agricultural purposes”

includes but is not limited to field crops, livestock, horticultural crops (e.g., from nurseries, orchards, truck farms, or Christmas tree plantations), and land managed for timber production.

**106.12(7) *Registration of landowners and tenants.*** Landowners and tenants and their eligible family members who want to obtain free deer hunting licenses must register with the department before the free licenses will be issued. Procedures for registering are described in 571—95.2(481A).

**571—106.13(481A) Harvest reporting.** Each hunter who bags a deer must report that kill according to procedures described in 571—95.1(481A).

**571—106.14(481A) Extension to the regular gun seasons.** Rescinded IAB 7/16/08, effective 8/20/08.

These rules are intended to implement Iowa Code sections 481A.38, 481A.39, 481A.48, 483A.8, 483A.8B, 483A.8C, 483A.24 and 483A.24B.

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## CHAPTER 108

MINK, MUSKRAT, RACCOON, BADGER, OPOSSUM, WEASEL,  
STRIPED SKUNK, FOX (RED AND GRAY), BEAVER, COYOTE, RIVER OTTER,  
BOBCAT, GRAY (TIMBER) WOLF AND SPOTTED SKUNK SEASONS

[Prior to 12/31/86, Conservation Commission[290] Ch 104]

**571—108.1(481A) Mink, muskrat and weasel.** Open season for the taking of mink, muskrat and weasel shall be from 8 a.m. on the first Saturday in November through January 31 of succeeding year. Entire state open. No bag or possession limit.

**108.1(1) *Molesting or disturbing muskrat houses.*** Any department of natural resources officer, natural resource biologist, or county conservation board director may permit trappers to molest or disturb muskrat houses on specific state or county game management areas as provided in Iowa Code section 481A.90, after finding that muskrats are causing excessive damage by destroying the vegetation essential to the welfare of a marsh and after so posting the area.

**108.1(2) *Game management areas.*** Open season for taking muskrats on certain state game management areas, certain federal national wildlife refuges, and certain county conservation board areas, only where approved by the wildlife bureau and posted accordingly, shall be from 8 a.m. the day after the regular muskrat trapping season ends until April 1. The use of leg-hold traps during this season is prohibited unless each trap is placed completely inside a muskrat house. No bag or possession limit. [ARC 7933B, IAB 7/1/09, effective 8/5/09]

**571—108.2(481A) Raccoon, badger, opossum and striped skunk.** Open season for the taking of raccoon, badger, opossum, and striped skunk shall be from 8 a.m. on the first Saturday in November through January 31 of succeeding year. Entire state open. No bag or possession limit.

**571—108.3(481A) Red and gray fox.** Open season for the taking of red and gray fox shall be from 8 a.m. on the first Saturday in November through January 31 of succeeding year. Entire state open. No bag or possession limit.

**571—108.4(481A) Beaver.** Open season for the taking of beaver shall be from 8 a.m. on the first Saturday in November through April 15 of succeeding year. No bag or possession limit. [ARC 9654B, IAB 8/10/11, effective 9/14/11]

**571—108.5(481A) Coyote.**

**108.5(1) *Hunting.*** Continuous open season. Entire state open. No bag or possession limit.

**108.5(2) *Trapping.*** Open season for trapping coyote shall be 8 a.m. on the first Saturday in November through January 31 of succeeding year. Entire state open. No bag or possession limit. Any conservation officer or wildlife biologist may authorize a landowner, tenant or designee to trap coyotes causing damage outside the established trapping season dates.

**571—108.6(481A) Gray (timber) wolf and spotted skunk.** Continuous closed season.

**571—108.7(481A) River otter and bobcat.**

**108.7(1) *License requirements.*** Each person who takes river otters or bobcats shall have a valid fur harvester license and pay the habitat fee if normally required to have a license to hunt or trap.

**108.7(2) *Open area.*** River otters may be taken statewide. Bobcats may be taken in the following counties: Adair, Adams, Appanoose, Audubon, Boone, Cass, Cedar, Cherokee, Clarke, Clinton, Crawford, Dallas, Davis, Decatur, Des Moines, Fremont, Guthrie, Harrison, Henry, Iowa, Jackson, Jasper, Jefferson, Johnson, Keokuk, Lee, Louisa, Lucas, Lyon, Madison, Mahaska, Marion, Mills, Monona, Monroe, Montgomery, Muscatine, Page, Plymouth, Polk, Pottawattamie, Poweshiek, Ringgold, Scott, Shelby, Sioux, Taylor, Union, Van Buren, Wapello, Warren, Washington, Wayne, Webster, and Woodbury.

**108.7(3) *Seasonal bag limit.***

*a.* The seasonal bag limit for river otters is 3 river otters per person.

*b.* The seasonal bag limit for bobcats is 1 bobcat per person in the following counties: Audubon, Boone, Cedar, Cherokee, Clinton, Crawford, Dallas, Guthrie, Harrison, Iowa, Jackson, Jasper, Johnson, Lyon, Monona, Muscatine, Plymouth, Polk, Poweshiek, Scott, Shelby, Sioux, Webster, and Woodbury.

*c.* The seasonal bag limit for bobcats is 3 bobcats per person in the following counties: Adair, Adams, Appanoose, Cass, Clarke, Davis, Decatur, Des Moines, Fremont, Henry, Jefferson, Keokuk, Lee, Louisa, Lucas, Madison, Mahaska, Marion, Mills, Monroe, Montgomery, Page, Pottawattamie, Ringgold, Taylor, Union, Van Buren, Wapello, Warren, Washington, and Wayne.

*d.* No more than 3 bobcats total can be legally harvested by a fur harvester in a season. River otters or bobcats trapped in excess of the seasonal bag limit or in a closed area must be turned over to the department; the fur harvester shall not be penalized.

**108.7(4) *Season dates.*** The season for taking river otters and bobcats opens on the first Saturday in November and closes on January 31 of the following year.

**108.7(5) *Reporting requirements.*** Anyone, including a landowner or tenant not required to have a fur harvester license, who takes a river otter or bobcat must report the harvest and arrange to receive a CITES tag from the officer or designated DNR employee within seven days of harvest. The river otter or bobcat shall be skinned and its lower jaw or skull turned over to the DNR conservation officer or designated DNR employee at the time the CITES tag is issued. If the specimen is to be kept whole for taxidermy purposes, a cut shall be made by the trapper between the gum line and eye so the CITES tag can be attached to the skin.

**108.7(6) *Tagging requirements.*** Every river otter or bobcat that may legally be kept must have a CITES tag attached. Tags will be supplied by the conservation officer or designated DNR employee. The tag must remain with the pelt until the pelt is sold or used for other purposes that render it no longer available for sale. Persons displaying river otters or bobcats as taxidermy mounts or as other decorative items must keep the tags in their possession as proof of legal harvest.

[ARC 7933B, IAB 7/1/09, effective 8/5/09; ARC 8889B, IAB 6/30/10, effective 8/18/10; ARC 9654B, IAB 8/10/11, effective 9/14/11; ARC 0188C, IAB 7/11/12, effective 8/15/12; ARC 0831C, IAB 7/10/13, effective 8/14/13; ARC 3799C, IAB 5/9/18, effective 6/13/18; ARC 4530C, IAB 7/3/19, effective 8/7/19; ARC 5067C, IAB 7/1/20, effective 8/5/20]

**571—108.8(481A) *Accidental capture of a river otter or bobcat during a closed season.*** A person who accidentally captures a river otter or bobcat during a closed season or in a closed area or after the person's individual bag limit has been reached shall not be penalized provided that:

1. The river otter or bobcat is captured during a legal trapping season or as part of a legal depredation control process; and
2. A conservation officer is contacted within 24 hours and the river otter or bobcat and all parts thereof are turned over to a conservation officer as soon as practical.

**571—108.9(481A) *Trapping restrictions.*** Trapping for all furbearers will be restricted as follows:

**108.9(1) *Exposed bait.*** No person shall set or maintain any leghold, body-clasping trap, or snare within 20 feet of exposed bait on land anywhere in the state or over water in the following areas:

*a.* Mississippi River corridor—Allamakee, Clayton, Dubuque, Jackson, Clinton, Scott, Muscatine, Louisa, Des Moines and Lee Counties.

*b.* Missouri River corridor—Those portions of Woodbury, Monona, Harrison, Pottawattamie, Mills and Fremont Counties west of Interstate 29.

*c.* Des Moines River corridor—Boone, Dallas, Polk, Marion, Mahaska, Wapello and Van Buren Counties.

Exposed bait means meat or viscera or any animal, bird, fish, amphibian, or reptile with or without skin, hide, or feathers visible to soaring birds.

**108.9(2) *Trapping near beaver lodges and dens.*** Rescinded IAB 7/16/08, effective 8/20/08.

These rules are intended to implement Iowa Code sections 481A.6, 481A.38, 481A.39, 481A.87, and 481A.90.

These rules are based on the best biological data available as determined by research conducted by the department of natural resources.

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## DIETITIANS

CHAPTER 81	LICENSURE OF DIETITIANS
CHAPTER 82	CONTINUING EDUCATION FOR DIETITIANS
CHAPTER 83	DISCIPLINE FOR DIETITIANS

CHAPTER 81  
LICENSURE OF DIETITIANS

[Prior to 6/26/02, see 645—Ch 80]

**645—81.1(152A) Definitions.** For purposes of these rules, the following definitions shall apply:

*“Active license”* means a license that is current and has not expired.

*“Board”* means the board of dietetics.

*“Consultation”* means the practice of providing professional advice to another dietitian or other professional in a particular case and for a limited time, in affiliation with, and at the request of, a dietitian licensed in this state.

*“Dietetics”* means the integration and application of principles derived from the sciences of nutrition, biochemistry, physiology, food management and from behavioral and social sciences to achieve and maintain an individual’s health.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

*“Inactive license”* means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

*“Licensee”* means any person licensed to practice as a dietitian in the state of Iowa.

*“License expiration date”* means the fifteenth day of the birth month every two years following initial licensure.

*“Licensure by endorsement”* means the issuance of an Iowa license to practice dietetics to an applicant who is currently licensed in another state.

*“Nutrition assessment”* means the evaluation of the nutrition needs of individuals and groups based upon appropriate biochemical, anthropometric, physical, and dietary data to determine nutrient needs and to recommend appropriate nutritional intake, including enteral and parenteral nutrition.

*“Nutrition counseling”* means advising and assisting individuals or groups, with consideration of cultural background and socioeconomic status, about appropriate nutritional intake by integrating information from the nutrition assessment with information about food and other sources of nutrients and meal preparation.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—81.15(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice dietetics to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of dietetics to license persons who have the same or similar qualifications as those required in Iowa.

*“Registered dietitian”* means a dietitian who has met the standards and qualifications of the Commission on Dietetic Registration, a member of the National Commission for Health Certifying Agencies.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

*“Supervision of nonlicensees”* means any of the following: delegation of duties, direct oversight, or indirect oversight of employees or other persons not licensed by the board.

[ARC 9606B, IAB 7/13/11, effective 8/17/11]

**645—81.2(152A) Nutrition care.** The primary function of dietetic practice is the provision of nutrition care services that shall include:

1. Assessing the nutrition needs of individuals and groups and determining resources and constraints in the practice setting.
2. Establishing priorities, goals, and objectives that meet nutrition needs and are consistent with available resources and constraints.
3. Providing nutrition counseling concerning health and disease.
4. Developing, implementing, and managing nutrition care systems.
5. Evaluating, making changes in, and maintaining appropriate standards of quality in food and nutrition services.

**645—81.3(152A,272C) Principles.** Rescinded IAB 7/13/11, effective 8/17/11.

**645—81.4(152A) Requirements for licensure.** The following criteria shall apply to licensure:

**81.4(1)** The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to Board of Dietetics, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

**81.4(2)** The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

**81.4(3)** Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Dietetics. The fees are nonrefundable.

**81.4(4)** No application will be considered by the board until:

- a. Official copies of academic transcripts have been sent directly from the school to the board;
- b. Official verification statements have been sent to the board from the didactic and internship or preprofessional practice programs or from the Commission on Dietetic Registration (CDR) to verify completion of the academic and preprofessional practice requirements; and
- c. The applicant satisfactorily completes the registration examination for dietitians administered by the Commission on Dietetic Registration (CDR). The board will accept the passing score set by CDR. Verification of satisfactory completion may be established by one of the following:
  - (1) The applicant sends to the board a notarized copy of the CDR registration card;
  - (2) CDR sends an official letter directly to the board to verify that the applicant holds registration status; or
  - (3) CDR posts web-based verification that the applicant holds registration status.

**81.4(5)** A license is not required for dietitians who are in this state for the purpose of consultation, in accordance with rule 645—81.1(152A), when they are licensed in another state, U.S. territory, or country, or have received at least a baccalaureate degree in human nutrition from a U.S. regionally accredited college or university.

**81.4(6)** Incomplete applications that have been on file in the board office for more than two years shall be considered invalid and shall be destroyed.

[ARC 9606B, IAB 7/13/11, effective 8/17/11]

**645—81.5(152A) Educational qualifications.**

**81.5(1)** The applicant shall possess a baccalaureate degree or postbaccalaureate degree from a U.S. regionally accredited college or university with a major course of study in human nutrition, food and nutrition, nutrition education, dietetics, or food systems management, or in an equivalent major course of study, which meets minimum academic requirements as established by the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND) and is approved by the board.

**81.5(2)** A foreign-trained dietitian shall:

*a.* Provide an official letter sent directly from the Commission on Dietetic Registration (CDR) to the board to verify that the applicant has met the minimum academic and didactic program requirements of CDR. Foreign degree equivalency evaluation requirements of the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND) are listed on the ACEND website at: [www.eatrightpro.org/acend](http://www.eatrightpro.org/acend); and

*b.* Provide evidence of meeting all other requirements in these rules.  
[ARC 9606B, IAB 7/13/11, effective 8/17/11; ARC 1835C, IAB 1/21/15, effective 2/25/15]

**645—81.6(152A) Supervised experience.** The applicant shall complete an accredited competency-based supervised experience program approved by the Accreditation Council for Education in Nutrition and Dietetics (ACEND) of the Academy of Nutrition and Dietetics (AND).  
[ARC 9606B, IAB 7/13/11, effective 8/17/11; ARC 1835C, IAB 1/21/15, effective 2/25/15]

**645—81.7(152A) Licensure by endorsement.** An applicant who has been a licensed dietitian under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Shows evidence of licensure requirements that are similar to those required in Iowa;
4. Provides official copies of the academic transcripts;
5. Provides a notarized copy of the Commission on Dietetic Registration (CDR) registration card or an alternate form of verification of passing the registration examination, as stated in 81.4(4)“c”; and
6. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:
  - Licensee’s name;
  - Date of initial licensure;
  - Current licensure status; and
  - Any disciplinary action taken against the license.

[ARC 9606B, IAB 7/13/11, effective 8/17/11]

**645—81.8(152A) Licensure by reciprocal agreement.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—81.9(152A) License renewal.**

**81.9(1)** The biennial license renewal period for a license to practice dietetics shall begin on the sixteenth day of the licensee’s birth month and end on the fifteenth day of the licensee’s birth month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**81.9(2)** An initial license issued by the board may be valid for an 18- to 29-month period. When an initial license is renewed, it will be placed on a two-year renewal period identified in subrule 81.9(1).

**81.9(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—82.2(152A) and the mandatory reporting requirements of subrule 81.9(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**81.9(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee’s employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code

section 232.69(3)“b” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 81.9(4)“e.”

b. A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5)“b” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 81.9(4)“e.”

c. The course(s) shall be the curriculum provided by the Iowa department of human services.

d. The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 81.9(4)“a” to “c,” including program date(s), content, duration, and proof of participation.

e. The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).

f. The board may select licensees for audit of compliance with the requirements in paragraphs 81.9(4)“a” to “e.”

**81.9(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**81.9(6)** A person licensed to practice dietetics shall keep the license certificate and wallet card(s) displayed in a conspicuous public place at the primary site of practice.

**81.9(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.6(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**81.9(8)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a dietitian in Iowa until the license is reactivated. A licensee who practices as a dietitian in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

**81.9(9)** Renewal of a reactivated license. A licensee who reactivates the license in accordance with rule 645—81.15(17A,147,272C) will not be required to renew the license until the next renewal two years later if the license is reactivated within six months prior to the license renewal date.

[ARC 9606B, IAB 7/13/11, effective 8/17/11; ARC 5068C, IAB 7/1/20, effective 8/5/20]

**645—81.10(272C) Exemptions for inactive practitioners.** Rescinded IAB 7/6/05, effective 8/10/05.

**645—81.11(147) Duplicate certificate or wallet card.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—81.12(147) Reissued certificate or wallet card.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—81.13(272C) Lapsed licenses.** Rescinded IAB 7/6/05, effective 8/10/05.

**645—81.14(17A,147,272C) License denial.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—81.15(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**81.15(1)** Submit a reactivation application on a form provided by the board.

**81.15(2)** Pay the reactivation fee that is due as specified in 645—subrule 5.6(4).

**81.15(3)** Provide verification of current competence to practice dietetics by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

(2) Verification of completion of 30 hours of continuing education within two years of the application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license.

(2) Verification of completion of 60 hours of continuing education within two years of application for reactivation.

**645—81.16(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—81.15(17A,147,272C) prior to practicing dietetics in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 152A and 272C.

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## HEARING AID SPECIALISTS

CHAPTER 121	LICENSURE OF HEARING AID SPECIALISTS
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## CHAPTER 121

## LICENSURE OF HEARING AID SPECIALISTS

[Prior to 5/29/02, see 645—120.2(154A) to 120.6(154A) and 120.10(154A)]

**645—121.1(154A) Definitions.** For purposes of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Board*” means the board of hearing aid specialists.

“*Department*” means the Iowa department of public health.

“*Dispense*” or “*sell*” means a transfer of title or of the right to use by lease, bailment, or any other means, but excludes a wholesale transaction with a distributor or hearing aid specialist, and excludes the temporary, charitable loan or educational loan of a hearing aid without remuneration.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*Hearing aid specialist*” means any person engaged in the fitting, dispensing and sale of hearing aids and providing hearing aid services or maintenance by means of procedures stipulated by Iowa Code chapter 154A or the board.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*License*” means a license issued by the state to a hearing aid specialist.

“*Licensee*” means any person licensed to practice as a hearing aid specialist in the state of Iowa.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice as a hearing aid specialist to an applicant who is or has been licensed in another state.

“*National examination*” means the standardized licensing examination of the International Hearing Society (IHS) or its successor organization.

“*Reactivate*” or “*reactivation*” means the process as outlined in rule 645—121.14(17A,147,272C) by which an inactive license is restored to active status.

“*Reciprocal license*” means the issuance of an Iowa license to practice as a hearing aid specialist to an applicant who is currently licensed in another state that has a mutual agreement with the Iowa board of hearing aid specialists to license persons who have the same or similar qualifications to those required in Iowa.

“*Reinstatement*” means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

“*Temporary permit*” means a permit issued while the applicant is in training to become a licensed hearing aid specialist.

“*Trainee*” means the holder of a temporary permit.

[ARC 1005C, IAB 9/4/13, effective 10/9/13; ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.2(154A) Temporary permits.**

**121.2(1)** An applicant shall send a completed application and fee to the board office. The application must be accompanied by a statement from the employer, which includes the following information:

- a. The type of supervision which shall be provided to the trainee;
- b. A list of the subjects to be covered;

- c. The books and other training materials to be used for training; and
- d. An outline of the training program to be followed in preparing the trainee for examination.

**121.2(2)** A temporary permit is valid for one year and shall not be renewable.

**121.2(3)** The board reserves the right to deny an application for a temporary permit or rescind a temporary permit once issued.

**121.2(4)** The licensed hearing aid specialist employing the holder of a temporary permit shall be responsible for the following:

- a. Training of the temporary permit holder;
- b. Evaluating the audiograms and determining which hearing aid and ear mold will best compensate for hearing loss of a particular person;
- c. Notifying the board within 15 days of the termination of the holder of a temporary permit; and
- d. Submitting a report on a board-approved form verifying completion of the supervision and training requirements in accordance with 121.2(1).

[ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.3(154A) Supervision requirements.** The supervisor's report must provide assurance of completion of training pursuant to 121.2(1).

**121.3(1)** Supervision of temporary permit holders. The supervisor(s) shall:

- a. Have a current hearing aid specialist license that has been valid for the immediately preceding 24 months;
- b. Have two years of actual experience in testing, fitting, and dispensing of hearing aids;
- c. Supervise not more than three trainees with temporary permits at the same time;
- d. For the first 90 days, provide a minimum of 20 hours of direct supervision per week in the physical presence of the trainee;
- e. Provide direct supervision of the trainee before completion of the first 90 days for any client activity that would require dispensing of hearing aids, including evaluation, selection, fitting or selling of hearing aids;
- f. Cosign all audiometric evaluations and contracts processed by the trainee for the duration of the temporary permit; and
- g. Submit, on a board-approved form, a supervision report for trainees prior to taking the board-approved examination. A supervision report is required each time the temporary permit holder submits a request to take the examination.

**121.3(2)** A trainee with a temporary permit must notify the board in writing within ten days of an interruption of training due to loss of supervision. The trainee shall, within 30 days, obtain a replacement supervisor for continuance of the training period and shall obtain and submit to the board a statement signed by the replacement supervisor, which states that the training program will be maintained.

**121.3(3)** If a statement by the replacement supervisor is not submitted, the trainee shall revert to new trainee status.

[ARC 9424B, IAB 3/9/11, effective 4/13/11; ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.4(154A) Requirements for initial licensure.** The following criteria shall apply to licensure:

**121.4(1)** The applicant shall complete a board-approved application packet. Application forms may be obtained from the board's website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to Board of Hearing Aid Specialists, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

**121.4(2)** The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

**121.4(3)** Each application shall be accompanied by the application fee payable to the Board of Hearing Aid Specialists. The board shall also receive the examination fee payable to the International Hearing Society for any examination held prior to the implementation of the on-line examination.

**121.4(4)** Examination score results must be received from the International Hearing Society.

**121.4(5)** Each applicant must successfully pass the national examination.



**121.4(6)** Examination candidates who hold a temporary permit are required to submit a supervisory report in accordance with paragraph 121.3(1) “g.”

**121.4(7)** Licensees who were issued their licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal month two years later.

**121.4(8)** Incomplete applications that have been on file in the board office for more than two years shall be:

- a. Considered invalid and shall be destroyed; or
- b. Maintained upon written request of the candidate. The candidate is responsible for requesting that the file be maintained.

**121.4(9)** Notification of eligibility for licensure shall be sent to the licensee by the board.  
[ARC 9424B, IAB 3/9/11, effective 4/13/11; ARC 1005C, IAB 9/4/13, effective 10/9/13; ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.5(154A) Examination requirements.** The following criteria shall apply to the national standardized licensing examination:

**121.5(1)** Applicants must pass the national standardized licensing examination. The passing score is the score established by the International Hearing Society.

**121.5(2)** The applicant shall not take the examination more than three times. If the applicant fails a third examination, the applicant is required to submit a request to the board with a proposed course of study. The board has discretion to determine if the request will be granted.  
[ARC 1005C, IAB 9/4/13, effective 10/9/13; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.6(154A) Licensure by endorsement.** An applicant who has been a licensed hearing aid specialist under the laws of another jurisdiction and would like to be considered for licensure in Iowa shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

- 121.6(1)** Submits to the board a completed application;
- 121.6(2)** Pays the licensure fee;
- 121.6(3)** Shows evidence of licensure requirements that are similar to those required in Iowa;
- 121.6(4)** Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:
  - a. Licensee’s name;
  - b. Date of initial licensure;
  - c. Current licensure status; and
  - d. Any disciplinary action taken against the license.
- 121.6(5)** Provides official verification of one of the following:
  - a. A passing score on the national examination. For the written ten-part examination, the passing score is 70 percent in each subject or 75 percent overall. The International Hearing Society establishes the passing score for the national standardized licensing examination;
  - b. A passing score on an examination that the board determines is equivalent to the national examination; or
  - c. Current certification from the National Board for Certification in Hearing Instrument Sciences; and
- 121.6(6)** Provides evidence of:
  - a. Completing a minimum of 32 continuing education hours within the 24 months prior to application; or
  - b. Continuing education certificates that verify that the minimum hours of continuing education required by a state(s) in which the licensee is currently licensed have been met; or
  - c. Current certification from the National Board for Certification in Hearing Instrument Sciences.

[ARC 1005C, IAB 9/4/13, effective 10/9/13; ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.7(154A) Licensure by reciprocal agreement.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—121.8(154A) Display of license.** Persons licensed as hearing aid specialists shall display their original licenses in a conspicuous public place at the primary site of practice.

[ARC 2151C, IAB 9/16/15, effective 10/21/15]

**645—121.9(154A) License renewal.**

**121.9(1)** The biennial license renewal period for a hearing aid specialist license shall begin on January 1 of each odd-numbered year and end on December 31 of the next even-numbered year. All licensees shall renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration.

**121.9(2)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—122.2(154A) and the mandatory reporting requirements of subrule 121.9(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the next renewal two years later.

**121.9(3)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.7(5). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**121.9(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph "e."

*c.* The course(s) shall be the curriculum provided by the Iowa department of human services.

*d.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs "a" to "c," including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs "a" to "e."

**121.9(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**121.9(6) Inactive license.** A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a hearing aid specialist in Iowa until the license is reactivated. A licensee who practices as a hearing aid specialist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9424B, IAB 3/9/11, effective 4/13/11; ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18; ARC 5069C, IAB 7/1/20, effective 8/5/20]

**645—121.10(272C) Exemptions for inactive practitioners.** Rescinded IAB 8/31/05, effective 10/5/05.

**645—121.11(272C) Lapsed licenses.** Rescinded IAB 8/31/05, effective 10/5/05.

**645—121.12(154A,147) Duplicate certificate or wallet card.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—121.13(272C) License denial.** Rescinded IAB 1/14/09, effective 2/18/09.

**645—121.14(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**121.14(1)** Submit a reactivation application on a form provided by the board.

**121.14(2)** Pay the reactivation fee that is due as specified in 645—subrule 5.7(6).

**121.14(3)** Provide verification of current competence to practice as a hearing aid specialist by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 32 hours of continuing education within two years of application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 64 hours of continuing education within two years of application for reactivation.

[ARC 2151C, IAB 9/16/15, effective 10/21/15; ARC 3559C, IAB 1/3/18, effective 2/7/18]

**645—121.15(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in

accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—121.14(17A,147,272C) prior to practicing as a hearing aid specialist in this state. [ARC 2151C, IAB 9/16/15, effective 10/21/15]

These rules are intended to implement Iowa Code chapters 17A, 147, 154A and 272C.

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<sup>◇</sup> Two or more ARCs

## NURSING HOME ADMINISTRATORS

CHAPTER 141	LICENSURE OF NURSING HOME ADMINISTRATORS
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CHAPTER 141  
LICENSURE OF NURSING HOME ADMINISTRATORS  
[Prior to 8/24/88, see Nursing Home Administrators Board of Examiners[600], Ch 2]

**645—141.1(155) Definitions.** For purposes of these rules, the following definitions shall apply:

*“Active license”* means a license that is current and has not expired.

*“Administrator”* means a licensed nursing home administrator.

*“Board”* means the board of nursing home administrators.

*“CNHA”* means a certified nursing home administrator.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

*“Inactive license”* means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

*“Licensee”* means any person licensed to practice as a nursing home administrator in the state of Iowa.

*“License expiration date”* means December 31 of odd-numbered years.

*“Licensure by endorsement”* means the issuance of an Iowa license to practice nursing home administration to an applicant who is or has been licensed in another state.

*“NAB”* means National Association of Boards of Examiners of Long Term Care Administrators.

*“Provisional license”* means a license issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—141.15(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice nursing home administration to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of nursing home administrators to license persons who have the same or similar qualifications to those required in Iowa.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

[ARC 7576B, IAB 2/11/09, effective 3/18/09; ARC 0797C, IAB 6/26/13, effective 7/31/13]

**645—141.2(155) Requirements for licensure.** The following criteria shall apply to licensure:

1. An applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075;

2. An applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board;

3. Each application shall be accompanied by the appropriate fees payable to the Board of Nursing Home Administrators. The fees are nonrefundable;

4. The applicant shall have official copies of academic transcripts sent directly from the school(s) to the board;
5. The applicant shall provide satisfactory evidence of the completion of the long-term care practicum;
6. An applicant shall successfully pass the approved national examination;
7. Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.
8. Incomplete applications that have been on file in the board office for more than two years shall be:
  - Considered invalid and shall be destroyed; or
  - Maintained upon request of the applicant. The applicant is responsible for requesting that the file be maintained.
9. Notification of eligibility for licensure shall be sent to the licensee by the board.

[ARC 7576B, IAB 2/11/09, effective 3/18/09]

**645—141.3(147,155) Examination requirements.** The following criteria shall apply to the written examination:

1. In order to be eligible to take the written examination, the supporting data and documentation required by the board are completed and on file at the board office.
2. The supporting data and documentation must be received at least 30 days prior to the date the applicant desires board eligibility determination for the examination.
3. Notification shall be sent by the board office to the examination service of an applicant's eligibility for the examination.
4. Each applicant who fails the national examination may apply to the board for reexamination. The applicant shall not take the national examination more than three times. If the applicant fails a third national examination, education in areas established by the board must be obtained before another examination will be allowed or a license is issued.

[ARC 7576B, IAB 2/11/09, effective 3/18/09]

**645—141.4(155) Educational qualifications.** An applicant for licensure as a nursing home administrator shall fulfill the educational requirements of one of the following:

**141.4(1)** *Applicants with degrees in health care administration, health services administration, health care management, health services management, nursing home administration or long-term care administration.* An applicant for licensure to practice as a nursing home administrator shall possess a baccalaureate or postbaccalaureate degree in a qualifying degree program from a college or university currently accredited by one of the following: a regional accrediting agency, an organization affiliated with the National Commission on Accrediting (Council of Post-secondary Accreditation), or the National Association of Boards of Examiners of Long Term Care Administrators. The practicum requirements are as follows:

- a. The applicant shall complete 720 clock hours of long-term health care practicum. There are nine areas of practicum requiring 80 clock hours each: social services; dietary; legal aspects and government organizations; nursing; environmental services; activities/community resources; business administration; administrative organization; and human resource management; or
- b. Rescinded IAB 8/17/05, effective 9/21/05.
- c. The school may waive up to 320 clock hours of practicum based on prior academic coursework or experience. The designated faculty shall provide written verification of completion of a minimum of 400 clock hours of practicum and that each of the nine required areas of practicum has been satisfied; or
- d. Substitution of one year of long-term health care administration experience may be allowed at the discretion of the board. An applicant must submit to the board the following:

(1) Written verification provided directly from the facility owner, chief operating officer, human resources officer, or board president that states the dates of service, facility name(s), and position(s) held; and

(2) A written attestation provided directly from a licensed nursing home administrator to verify the completion of the equivalent of a minimum of 80 clock hours in each of the nine areas of practicum as specified in 141.4(1)“a.”

**141.4(2) Applicants with degrees in other disciplines.** An applicant shall possess a baccalaureate degree in any other discipline from a college or university currently accredited by a regional accrediting agency or organization affiliated with the National Commission on Accrediting (Council of Post-secondary Accreditation). The applicant’s coursework shall show satisfactory completion of the following:

a. Ten semester hours of business management, accounting or business law or any combination thereof;

b. Six semester hours of gerontology or aging-related coursework in disciplines including but not limited to the sciences and humanities;

c. Twelve semester hours in health care administration including but not limited to the areas of organizational management, regulatory management, human resources management, resident care management, environmental services management, and financial management; and

d. Practicum. The applicant shall complete a practicum as follows:

(1) The applicant shall complete 720 clock hours of long-term health care practicum. There are nine areas of practicum requiring 80 clock hours each: social services; dietary; legal aspects and government organizations; nursing; environmental services; activities/community resources; business administration; administrative organization; and human resource management; or

(2) Rescinded IAB 8/17/05, effective 9/21/05.

(3) The school may waive up to 320 clock hours of practicum based on prior academic coursework or experience. The designated faculty shall provide written verification of completion of a minimum of 400 clock hours of practicum and that each of the nine required areas of practicum has been satisfied; or

(4) Substitution of one year of long-term health care administration experience may be allowed at the discretion of the board. An applicant must submit to the board the following:

1. Written verification provided directly from the facility owner, chief operating officer, human resources officer, or board president that states the dates of service, facility name(s), and position(s) held; and

2. A written attestation provided directly from a licensed nursing home administrator to verify the completion of the equivalent of a minimum of 80 clock hours in each of the nine areas of practicum as specified in 141.4(2)“d”(1).

**141.4(3) Foreign-trained applicants.** Foreign-trained nursing home administrators shall:

a. Provide an equivalency evaluation of their educational credentials by International Educational Research Foundations, Inc., Credentials Evaluation Service, P.O. Box 3665, Culver City, California 90231-3665, telephone (310)258-9451, website [www.ierf.org](http://www.ierf.org), or email at [info@ierf.org](mailto:info@ierf.org). The professional curriculum must be equivalent to that stated in these rules. A candidate shall bear the expense of the curriculum evaluation.

b. Provide a notarized copy of the certificate or diploma awarded to the applicant from a nursing home administration program in the country in which the applicant was educated.

c. Receive a final determination from the board regarding the application for licensure.

#### **645—141.5(155) Practicum experience.**

**141.5(1)** The practicum experience shall be performed under the supervision of a preceptor (licensed administrator) in a licensed nursing home in accordance with the following:

a. The facility must have a licensed capacity of no fewer than 25 beds.

b. The facility cannot be owned or operated by a parent, spouse or sibling of the student.

c. Rescinded IAB 8/17/05, effective 9/21/05.

d. The practicum student may be compensated while completing the practicum experience.

e. The preceptor (licensed administrator):

(1) Shall hold a current license in good standing as a nursing home administrator;

(2) Shall have at least two years' experience as a licensed nursing home administrator. Any experience as an administrator under a provisional license shall not count toward the required two years; and

(3) Cannot be related to the student as a parent, spouse or sibling.

**141.5(2)** Rescinded IAB 8/17/05, effective 9/21/05.

[ARC 0797C, IAB 6/26/13, effective 7/31/13]

**645—141.6(155) Provisional license.** Under certain limited circumstances, and only upon the filing of an application requesting approval, a provisional license may be issued to an administrator appointed on a temporary basis to perform the duties of a nursing home administrator. A provisional license is considered a temporary appointment, and the person appointed may serve as an administrator for a period of time not to exceed 12 months in an entire career. The 12 months in service are not required to be consecutive; however, a new application is required for each appointment period. It is the responsibility of the approved provisional administrator to maintain documentation of the actual dates the administrator serves in that capacity.

**141.6(1)** The limited circumstances under which the request for a provisional appointment shall be granted include the inability of the licensed administrator to perform the administrator's duties, the death of the licensed administrator, or circumstances which prevent the immediate transfer of the licensed administrator's duties to another licensed administrator. A provisional license shall not be issued to a licensed nursing home administrator.

**141.6(2)** Application for a provisional license shall be in writing on forms prescribed by the board. Application forms may be obtained from the board's website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to the Board of Nursing Home Administrators, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. Applicants shall meet the following minimum qualifications:

- a. Be at least 18 years of age.
- b. Be employed on a full-time basis of no less than 40 hours per week to perform the duties of the nursing home administrator.
- c. Be knowledgeable about the nursing home administrator's domains of practice including resident care; human resources; finance; physical environment; and leadership and management.
- d. Be without a history of unprofessional conduct or denial of or disciplinary action against a license to practice nursing home administration or any other profession by any lawful licensing authority for reasons outlined in 645—Chapter 144.
- e. Provide evidence to establish that the provisional appointment will not exceed the lifetime maximum period of 12 calendar months in duration. For any period in which the applicant previously served as a provisional administrator, written employment verification or a written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.
- f. Provide evidence that the provisional appointment complies with the requirements in 481—subrule 58.8(4). A written attestation of the facility owner, chief operating officer, or board officer shall satisfy this requirement.

**141.6(3)** Applications for an extension of the time period for the provisional appointment within the same facility do not require the payment of an additional fee, as long as all other requirements stated in this rule are met.

**141.6(4)** The board expressly reserves the right to withdraw approval of a provisional appointment. Withdrawal of approval shall be based on information or circumstances warranting such action. The provisional administrator shall be notified of the withdrawal of approval in writing by certified mail.

[ARC 0797C, IAB 6/26/13, effective 7/31/13]

**645—141.7(155) Licensure by endorsement.** An applicant who has been a licensed nursing home administrator under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

1. Submits to the board a completed application;



2. Pays the licensure fee;
3. Provides evidence of a minimum of a bachelor's degree from a college or university accredited by the United States Department of Education. An official copy of the academic transcript denoting date of graduation and the degree conferred shall be sent directly from the school to the board office;
4. Provides evidence of an active license as a nursing home administrator for at least two years just prior to application, or meets the qualifications outlined in rule 645—141.4(155);
5. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:
  - Licensee's name;
  - Date of initial licensure;
  - Current licensure status; and
  - Any disciplinary action taken against the license; and
6. Provides one of the following:
  - The official NAB examination score sent directly from NAB to the board or from the state in which the applicant was first licensed; or
  - Evidence of certification as a nursing home administrator (CNHA) in good standing with the American College of Health Care Administrators.

**645—141.8(147,155) Licensure by reciprocal agreement.** The board may enter into a reciprocal agreement with the District of Columbia or any state, territory, province or foreign country with equal or similar requirements for licensure of nursing home administrator applicants.  
[ARC 7576B, IAB 2/11/09, effective 3/18/09]

**645—141.9(147,155) License renewal.**

**141.9(1)** The biennial license renewal period for a license to practice nursing home administration shall begin on January 1 of each even-numbered year and end on December 31 of the next odd-numbered year. All licensees shall renew on a biennial basis. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**141.9(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

**141.9(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—143.2(272C) and the mandatory reporting requirements of subrule 141.9(8). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**141.9(4)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**141.9(5)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 145.1(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**141.9(6)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a nursing home administrator in Iowa until the license is reactivated. A licensee who practices as a nursing home administrator in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

**141.9(7)** Persons licensed to practice as nursing home administrators shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

**141.9(8)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, attends, counsels or treats children in Iowa shall complete an initial two-hour child abuse mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 141.9(8) "d."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall complete an initial two-hour dependent adult mandatory reporter training course offered by the department of human services within six months of employment, or prior to the expiration of a current certificate. Thereafter, all mandatory reporters shall take a one-hour recertification training course every three years, prior to the expiration of a current certificate. The licensee shall indicate on the renewal application completion of two hours of training in dependent adult abuse identification and reporting in the previous three years of condition(s) for waiver of this requirement as identified in paragraph 141.9(8) "d."

*c.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 141.9(8) "a" and "b."

*d.* The requirement for mandatory trainings for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).

*e.* The board may select licensees for audit of compliance with the requirements in paragraphs 141.9(8) "a" to "d."

[ARC 7576B, IAB 2/11/09, effective 3/18/09; ARC 0024C, IAB 2/22/12, effective 3/28/12 (See Delay note at end of chapter); ARC 5070C, IAB 7/1/20, effective 8/5/20]

**645—141.10(272C) Exemptions for inactive practitioners.** Rescinded IAB 8/17/05, effective 9/21/05.

**645—141.11(272C) Lapsed licenses.** Rescinded IAB 8/17/05, effective 9/21/05.

**645—141.12(155) Duplicate certificate or wallet card.** Rescinded IAB 2/11/09, effective 3/18/09.

**645—141.13(155) Reissued certificate or wallet card.** Rescinded IAB 2/11/09, effective 3/18/09.

**645—141.14(272C) License denial.** Rescinded IAB 2/11/09, effective 3/18/09.

**645—141.15(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**141.15(1)** Submit a reactivation application on a form provided by the board.

**141.15(2)** Pay the reactivation fee that is due as specified in 645—Chapter 5.

**141.15(3)** Provide verification of current competence to practice as a nursing home administrator by satisfying the following criteria:

*a.* Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly

from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license; and

b. Verification of completion of 40 hours of continuing education within two years of the application for reactivation.

[ARC 7576B, IAB 2/11/09, effective 3/18/09]

**645—141.16(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—141.15(17A,147,272C) prior to practicing as a nursing home administrator in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 155, and 272C.

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<sup>◇</sup> Two or more ARCs

<sup>1</sup> Effective date of rule 600—2.7 delayed by the Administrative Rules Review Committee 70 days.

<sup>2</sup> Effective date of 645—subrule 141.3(2), delayed until adjournment of the 1996 General Assembly by the Administrative Rules Review Committee at its meeting held October 10, 1995.

<sup>3</sup> March 28, 2012, effective date of 141.9(1) delayed 70 days by the Administrative Rules Review Committee at its meeting held March 12, 2012.

## OPTOMETRISTS

CHAPTER 180	LICENSURE OF OPTOMETRISTS
CHAPTER 181	CONTINUING EDUCATION FOR OPTOMETRISTS
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CHAPTER 180  
LICENSURE OF OPTOMETRISTS

[Prior to 6/13/01, see 645—Chapter 180]

**645—180.1(154) Definitions.** For purposes of these rules, the following definitions shall apply:

*“Active license”* means a license that is current and has not expired.

*“Approved program or activity”* means a continuing education program or activity meeting the standards set forth in these rules.

*“Board”* means the board of optometry.

*“CELMO”* means the Council on Endorsed Licensure Mobility for Optometrists.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

*“Inactive license”* means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

*“Licensee”* means any person licensed to practice as an optometrist in the state of Iowa.

*“Licensure by endorsement”* means the issuance of an Iowa license to practice optometry to an applicant who is or has been licensed in another state.

*“Mandatory training”* means training on identifying and reporting child abuse or dependent adult abuse required of optometrists who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

*“NBEO”* means the National Board of Examiners in Optometry.

*“Optometrist”* means an optometrist who is licensed to practice optometry in Iowa and who is certified by the board of optometry to employ all diagnostic and therapeutic pharmaceutical agents for the purpose of diagnosis and treatment of the conditions of the human eye and adnexa, excluding the use of injections other than to counteract an anaphylactic reaction, and notwithstanding Iowa Code section 147.107, may without charge supply any of the above pharmaceuticals to commence a course of therapy, with the exclusions cited in Iowa Code chapter 154.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—180.11(17A,147,272C) by which an inactive license is restored to active status.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

*“TPA”* means therapeutic pharmaceutical agents.

[ARC 0899C, IAB 8/7/13, effective 9/11/13]

**645—180.2(154) Requirements for licensure.**

**180.2(1)** The following criteria shall apply to licensure:

a. An applicant shall complete a board-approved application. Application forms may be obtained from the board’s website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office, or the applicant may complete the application online at [ibplicense.iowa.gov](http://ibplicense.iowa.gov). All paper applications shall

be sent to the Board of Optometry, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

*b.* An applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

*c.* An applicant shall submit the appropriate fees payable to the Board of Optometry. The fees are nonrefundable.

*d.* No application will be considered complete until official copies of academic transcripts sent directly to the board from an accredited school or college of optometry are received by the board and the applicant submits proof of satisfactory completion of all educational requirements contained in Iowa Code chapter 154.

*e.* An applicant shall pass all parts of the NBEO examination in effect at the time of application.

*f.* Licensees who were issued their licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

*g.* Submitting complete application materials. An application for an optometry license will be considered active for two years from the date the application is received. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application, supporting materials, and the application fee. The board shall destroy incomplete applications after two years.

*h.* An applicant shall provide an official verification regarding the status of the applicant's license from the board of examiners in each state in which the applicant is currently or was formerly licensed.

**180.2(2)** Rescinded IAB 8/7/13, effective 9/11/13.

[ARC 0899C, IAB 8/7/13, effective 9/11/13; ARC 3428C, IAB 10/25/17, effective 11/29/17]

**645—180.3(154) Licensure by endorsement.** An applicant who has been a licensed optometrist under laws of another jurisdiction for three years or more shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia or another state, territory, province or foreign country who:

**180.3(1)** Submits to the board a completed application;

**180.3(2)** Pays the licensure fee;

**180.3(3)** Provides an official copy of the transcript sent directly from the school to the board office. The transcript shall show a doctor of optometry degree from an accredited school. In the case of foreign graduates, applicants shall provide evidence of adherence to the current requirements of the NBEO to sit for the NBEO examination;

**180.3(4)** Shows evidence of successful completion of the examination of the NBEO that was current at the time of initial licensure or successful completion of the examination that is currently offered by the NBEO;

**180.3(5)** Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

*a.* Licensee's name;

*b.* Date of initial licensure;

*c.* Current licensure status; and

*d.* Any disciplinary action taken against the license;

**180.3(6)** Provides a statement disclosing and explaining the applicant's involvement in civil litigation related to the practice of optometry in any jurisdiction of the United States, other nations or territories; and

**180.3(7)** Provides proof of current CELMO certification. Applicants who provide proof of current CELMO certification satisfy the educational requirements for licensure by endorsement. If an applicant is not CELMO-certified, then the applicant must show evidence of the following:

a. The applicant shall supply evidence of completion of a course that has particular emphasis on the examination, diagnosis and treatment of conditions of the human eye and adnexa, provided by an institution accredited by a regional or professional accreditation organization that is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education; and

b. The applicant shall show evidence on the transcript of:

(1) Forty hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa; and

(2) An additional 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases.

c. If the transcript does not show evidence of 40 hours of didactic education; 60 hours of approved supervised clinical training in the examination, diagnosis and treatment of conditions of the human eye and adnexa; and 44 hours of education with emphasis on treatment and management of glaucoma and use of oral pharmaceutical agents for treatment and management of ocular diseases, the applicant shall show satisfactory evidence of completion of a course that includes training in the above-listed areas.

d. Any transcript that shows graduation from an approved school of optometry after January 2, 1988, meets the requirement of 180.3(7) "b."

e. Any transcript that shows graduation from an approved school of optometry after January 2, 1986, meets the requirement of 180.3(7) "b"(1) of 40 hours of didactic education and 60 hours of approved supervised clinical training in the examination, diagnosis, and treatment of conditions of the human eye and adnexa. Applicants need to also show evidence of completion of the requirement in 180.3(7) "b"(2).

f. An applicant for licensure by endorsement shall provide proof of licensure and evidence of three years of active practice in another state, territory or district of the United States immediately preceding the date of application which has a similar scope of practice to that required in Iowa as determined by the board. When the scope of practice is different, the applicant shall make available to the board evidence of completion of additional hours of training related to the area of the deficiency as prescribed by the board. The applicant may be exempt from the requirement of three years of active practice if, during the above-mentioned three-year period, the applicant was:

- (1) Teaching optometry;
- (2) A military optometrist;
- (3) A supervisory or administrative optometrist; or
- (4) A researcher in optometry.

**180.3(8)** Applicants for licensure by endorsement who were issued their Iowa licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

[ARC 0899C, IAB 8/7/13, effective 9/11/13]

**645—180.4(147) Licensure by reciprocal agreement.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—180.5(154) License renewal.**

**180.5(1)** The biennial license renewal period for a license to practice optometry shall begin on July 1 of an even-numbered year and end on June 30 two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**180.5(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

**180.5(3)** A licensee seeking renewal shall:

a. Meet the continuing education requirements of rule 645—181.2(154) and the mandatory reporting requirements of subrule 180.5(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**180.5(4) Mandatory reporter training requirements.**

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3)"*b*" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 180.5(4)"*e*."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5)"*b*" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 180.5(4)"*e*."

*c.* The course(s) shall be the curriculum provided by the Iowa department of human services.

*d.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 180.5(4)"*a*" to "*c*," including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs 180.5(4)"*a*" to "*e*."

**180.5(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**180.5(6)** A person licensed to practice optometry shall keep the license certificate and wallet card(s) displayed in a conspicuous public place at the primary site of practice.

**180.5(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.12(3). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**180.5(8)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as an optometrist in Iowa until the license is reactivated. A licensee who practices as an optometrist in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9641B, IAB 7/27/11, effective 8/31/11; ARC 5071C, IAB 7/1/20, effective 8/5/20]

**645—180.6(272C) Exemptions for inactive practitioners.** Rescinded IAB 8/3/05, effective 9/7/05.

**645—180.7(272C) Lapsed licenses.** Rescinded IAB 8/3/05, effective 9/7/05.

**645—180.8(147) Duplicate certificate or wallet card.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—180.9(147) Reissued certificate or wallet card.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—180.10(17A,147,272C) License denial.** Rescinded IAB 11/5/08, effective 12/10/08.



**645—180.11(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**180.11(1)** Submit a reactivation application on a form provided by the board.

**180.11(2)** Pay the reactivation fee that is due as specified in rule 645—5.12(147,154).

**180.11(3)** Provide verification of current competence to practice as an optometrist by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 50 hours of continuing education within two years of application for reactivation unless the applicant provides proof of current CELMO certification. Proof of current CELMO certification satisfies continuing education requirements for the purpose of reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 100 hours of continuing education within two years of application for reactivation unless the applicant provides proof of current CELMO certification. If the applicant provides proof of current CELMO certification, the applicant must also verify completion of an additional 50 hours of continuing education within two years of application for reactivation.

[ARC 9641B, IAB 7/27/11, effective 8/31/11]

**645—180.12(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—180.11(17A,147,272C) prior to practicing as an optometrist in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 154 and 272C.

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[Filed 7/18/02, Notice 5/15/02—published 8/7/02, effective 9/11/02]

[Filed 1/15/03, Notice 11/13/02—published 2/5/03, effective 3/12/03]

[Filed 4/8/04, Notice 2/4/04—published 4/28/04, effective 6/2/04]

[Filed 7/8/05, Notice 5/11/05—published 8/3/05, effective 9/7/05]<sup>◇</sup>

[Filed 1/13/06, Notice 10/26/05—published 2/1/06, effective 3/8/06]<sup>◇</sup>

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[Filed ARC 0899C (Notice ARC 0680C, IAB 4/3/13), IAB 8/7/13, effective 9/11/13]

[Filed ARC 3428C (Notice ARC 3223C, IAB 8/2/17), IAB 10/25/17, effective 11/29/17]

[Filed ARC 5071C (Notice ARC 4854C, IAB 1/15/20), IAB 7/1/20, effective 8/5/20]

◊ Two or more ARCs

CHAPTER 181  
CONTINUING EDUCATION FOR OPTOMETRISTS

**645—181.1(154) Definitions.** For the purpose of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Approved program/activity*” means a continuing education program/activity meeting the standards set forth in these rules.

“*Audit*” means the selection of licensees for verification of satisfactory completion of continuing education requirements during a specified time period.

“*Board*” means the board of optometry.

“*CELMO*” means the Council on Endorsed Licensure Mobility for Optometrists.

“*Continuing education*” means planned, organized learning acts designed to maintain, improve, or expand a licensee’s knowledge and skills in order for the licensee to develop new knowledge and skills relevant to the enhancement of practice, education, or theory development to improve the safety and welfare of the public.

“*Hour of continuing education*” means at least 50 minutes spent by a licensee in actual attendance at and completion of an approved continuing education activity.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Independent study*” means a subject/program/activity that a person pursues autonomously that meets standards for approval criteria in the rules and includes a posttest.

“*License*” means license to practice.

“*Licensee*” means any person licensed to practice as an optometrist in the state of Iowa.

**645—181.2(154) Continuing education requirements.**

**181.2(1)** The biennial continuing education compliance period shall extend for a two-year period beginning on July 1 and ending on June 30 of each even-numbered year. Each biennium, each person who is licensed to practice as an optometrist in this state shall be required to complete a minimum of 50 hours of continuing education approved by the board.

**181.2(2)** Requirements of new licensees. Those persons licensed for the first time shall not be required to complete continuing education as a prerequisite for the first renewal of their licenses. Continuing education hours acquired anytime from the initial licensing until the second license renewal may be used. The new licensee will be required to complete a minimum of 50 hours of continuing education per biennium for each subsequent license renewal.

**181.2(3)** Hours of continuing education credit may be obtained by attending and participating in a continuing education activity. These hours must be in accordance with these rules.

**181.2(4)** No hours of continuing education shall be carried over into the next biennium except as stated for second renewal. A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation.

**181.2(5)** It is the responsibility of each licensee to finance the cost of continuing education.  
[ARC 9641B, IAB 7/27/11, effective 8/31/11]

**645—181.3(154,272C) Standards.**

**181.3(1) General criteria.** A continuing education activity which meets all of the following criteria is appropriate for continuing education credit if the continuing education activity:

- a. Constitutes an organized program of learning which contributes directly to the professional competency of the licensee;
- b. Pertains to common subject matters which integrally relate to the practice of the profession;

c. Is conducted by individuals who have specialized education, training and experience by reason of which said individuals should be considered qualified concerning the subject matter of the program. At the time of audit, the board may request the qualifications of presenters;

d. Fulfills stated program goals, objectives, or both; and

e. Provides proof of attendance to licensees in attendance including:

(1) Date, location, course title, presenter(s);

(2) Numbers of program contact hours; and

(3) Certificate of completion or evidence of successful completion of the course provided by the course sponsor.

**181.3(2) *Specific criteria.***

a. Continuing education hours of credit may be obtained by attending:

(1) The continuing education programs of the Iowa Optometric Association, the American Optometric Association, the American Academy of Optometry, and national regional optometric congresses, schools of optometry, all state optometric associations, and the department of ophthalmology of the school of medicine of the University of Iowa;

(2) Postgraduate study through an accredited school or college of optometry;

(3) Meetings or seminars that are approved and certified for optometric continuing education by the Association of Regulatory Boards of Optometry's Council on Optometric Practitioner Education (COPE) committee; or

(4) Training on child abuse and dependent adult abuse identification and reporting required pursuant to Iowa Code sections 232.69 and 235B.16 and 645—subrule 180.5(4).

Beginning with the July 1, 2006, biennium, therapeutic licensees who provide proof of current CELMO certification meet continuing education requirements for the biennium.

b. The maximum number of hours in each category in each biennium is as follows:

(1) Ten hours of credit for local study group programs that meet the criteria.

(2) Ten hours of credit for correspondence courses, which include written and electronically transmitted material and have a posttest. Certification of the continuing education requirements and of passing the test must be given by the institution providing the continuing education, and that institution must be accredited by a regional or professional accreditation organization which is recognized or approved by the Council on Postsecondary Accreditation of the United States Department of Education.

(3) Six hours of credit for practice management courses.

(4) Four hours of credit for dependent adult abuse and child abuse identification.

(5) Twenty hours of credit for postgraduate study courses.

c. Required continuing education hours. Licensees shall provide proof of continuing education in all of the following areas:

(1) Current certification in CPR offered in person by the American Heart Association, the American Red Cross or an equivalent organization. At least two hours per biennium is required but credit will be granted for four hours.

(2) Current CELMO certification. If the licensee does not have current proof of CELMO certification, then the following is required:

1. A combined total of 40 hours required from COPE Category B (Ocular Disease and Management) and COPE Category C (Related Systemic Disease) with a minimum of 14 hours in each category; and

2. Ten additional hours required from any of the COPE Categories of A (Clinical Optometry), B, C and D (Optometric Business Management). Hours obtained in Category D may not exceed 6 hours of the total continuing education hours' requirement.

(3) As a condition of license renewal, a minimum of one hour of continuing education per biennium regarding guidelines for prescribing opioids, including recommendations on limitations on dosages and the length of prescriptions, risk factors for abuse, and nonopioid and nonpharmacologic therapy options. Credit will be granted for up to two hours per biennium. These hours may count toward the continuing education hours required from COPE Category B (Ocular Disease and Management) or COPE Category C (Related Systemic Disease). The licensee shall maintain documentation of these hours, which may be

subject to audit. If the continuing education did not cover the United States Centers for Disease Control and Prevention guideline for prescribing opioids for chronic pain, the licensee shall read the guideline prior to license renewal. “Opioid” means any drug that produces an agonist effect on opioid receptors and is indicated or used for the treatment of pain.

[ARC 8023B, IAB 7/29/09, effective 9/2/09; ARC 9641B, IAB 7/27/11, effective 8/31/11; ARC 0899C, IAB 8/7/13, effective 9/11/13; ARC 4951C, IAB 2/26/20, effective 4/1/20; ARC 5071C, IAB 7/1/20, effective 8/5/20]

**645—181.4(154,272C) Audit of continuing education report.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—181.5(154,272C) Automatic exemption.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—181.6(154,272C) Continuing education exemption for disability or illness.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—181.7(154,272C) Grounds for disciplinary action.** Rescinded IAB 11/5/08, effective 12/10/08.

**645—181.8(154,272C) Continuing education exemption for inactive practitioners.** Rescinded IAB 8/3/05, effective 9/7/05.

**645—181.9(154,272C) Continuing education exemption for disability or illness.** Rescinded IAB 8/3/05, effective 9/7/05.

**645—181.10(154,272C) Reinstatement of inactive practitioners.** Rescinded IAB 8/3/05, effective 9/7/05.

**645—181.11(272C) Hearings.** Rescinded IAB 8/3/05, effective 9/7/05.

These rules are intended to implement Iowa Code section 272C.2 and chapter 154.

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[Filed 7/8/05, Notice 5/11/05—published 8/3/05, effective 9/7/05]<sup>◇</sup>

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[Filed ARC 0899C (Notice ARC 0680C, IAB 4/3/13), IAB 8/7/13, effective 9/11/13]

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[Filed ARC 5071C (Notice ARC 4854C, IAB 1/15/20), IAB 7/1/20, effective 8/5/20]

<sup>◇</sup> Two or more ARCs



*PHYSICAL AND OCCUPATIONAL THERAPISTS*

CHAPTER 200	LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS
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CHAPTER 209	DISCIPLINE FOR OCCUPATIONAL THERAPISTS AND OCCUPATIONAL THERAPY ASSISTANTS

**CHAPTER 200****LICENSURE OF PHYSICAL THERAPISTS AND PHYSICAL THERAPIST ASSISTANTS**

[Prior to 3/6/02, see 645—200.3(147) to 645—200.8(147), 645—200.11(272C), and 645—202.3(147) to 645—202.7(147)]

[Prior to 12/24/03, see 645—ch 201]

**645—200.1(147) Definitions.** For purposes of these rules, the following definitions shall apply:

*“Active license”* means a license that is current and has not expired.

*“Assistive personnel”* means any person who carries out physical therapy and is not licensed as a physical therapist or physical therapist assistant. This definition does not include students as defined in Iowa Code section 148A.3(2).

*“Board”* means the board of physical and occupational therapy.

*“Department”* means the department of public health.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

*“Impairment”* means a mechanical, physiological or developmental loss or abnormality, a functional limitation, or a disability or other health- or movement-related condition.

*“Inactive license”* means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

*“Licensee”* means any person licensed to practice as a physical therapist or physical therapist assistant in the state of Iowa.

*“License expiration date”* means the fifteenth day of the birth month every two years after initial licensure.

*“Licensure by endorsement”* means the issuance of an Iowa license to practice physical therapy to an applicant who is or has been licensed in another state.

*“Mandatory training”* means training on identifying and reporting child abuse or dependent adult abuse required of physical therapists or physical therapist assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

*“On site”* means:

1. To be continuously on site and present in the department or facility where assistive personnel are performing services;

2. To be immediately available to assist the person being supervised in the services being performed; and

3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

*“Physical therapist”* means a person licensed under this chapter to practice physical therapy.

*“Physical therapist assistant”* means a person licensed under this chapter to assist in the practice of physical therapy.

*“Physical therapy”* means that branch of science that deals with the evaluation and treatment of human capabilities and impairments, including:

1. Evaluation of individuals with impairments in order to determine a diagnosis, prognosis, and plan of therapeutic treatment and intervention, and to assess the ongoing effects of intervention;

2. Use of the effective properties of physical agents and modalities, including but not limited to mechanical and electrotherapeutic devices, heat, cold, air, light, water, electricity, and sound, to prevent, correct, minimize, or alleviate an impairment;

3. Use of therapeutic exercises to prevent, correct, minimize, or alleviate an impairment;

4. Use of rehabilitative procedures to prevent, correct, minimize, or alleviate an impairment, including but not limited to the following procedures:

- Manual therapy, including soft-tissue and joint mobilization and manipulation;

- Therapeutic massage;

- Prescription, application, and fabrication of assistive, adaptive, orthotic, prosthetic, and supportive devices and equipment;

- Airway clearance techniques;

- Integumentary protection and repair techniques; and

- Debridement and wound care;

5. Interpretation of performances, tests, and measurements;

6. The establishment and modification of physical therapy programs;

7. The establishment and modification of treatment planning;

8. The establishment and modification of consultative services;

9. The establishment and modification of instructions to the patient, including but not limited to functional training relating to movement and mobility;

10. Participation, administration and supervision attendant to physical therapy and educational programs and facilities.

*“PT”* means physical therapist.

*“PTA”* means physical therapist assistant.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—200.15(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice physical therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of physical and occupational therapy to license persons who have the same or similar qualifications to those required in Iowa.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

**645—200.2(147) Requirements for licensure.** The following criteria shall apply to licensure:

**200.2(1)** The applicant shall complete a board-approved application. Application forms may be obtained from the board’s website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office, or the applicant may complete the application online at [ibplicense.iowa.gov](http://ibplicense.iowa.gov). All paper applications shall be sent to the Board of Physical and Occupational Therapy, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.



**200.2(2)** The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

**200.2(3)** Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Physical and Occupational Therapy. The fees are nonrefundable.

**200.2(4)** No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board of physical and occupational therapy have been received by the board. An applicant shall have successfully completed a physical therapy education program accredited by a national accreditation agency approved by the board.

**200.2(5)** The applicant shall submit two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI). The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant.

**200.2(6)** The candidate shall have the examination score sent directly from the testing service to the board.

**200.2(7)** Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

**200.2(8)** Submitting complete application materials. An application for a physical therapist or physical therapist assistant license will be considered active for two years from the date the application is received. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application, supporting materials, and the application fee. The board shall destroy incomplete applications after two years.

[ARC 3445C, IAB 11/8/17, effective 12/13/17; ARC 4102C, IAB 10/24/18, effective 1/1/19; ARC 4702C, IAB 10/9/19, effective 11/13/19]

**645—200.3(147) Physical therapy compact.** The rules of the physical therapy compact commission are incorporated by reference. A physical therapist or physical therapist assistant may engage in the practice of physical therapy in Iowa without a license issued by the board if the individual has a current compact privilege to practice in Iowa issued by the physical therapy compact commission. The state fee for issuance of a compact privilege to practice in Iowa shall be \$60, which will be collected by the physical therapy compact commission. The state fee for issuance of a compact privilege to practice in Iowa shall be waived for an active duty military member or spouse of an individual who is an active duty military member. A physical therapist or physical therapist assistant who practices physical therapy in Iowa using a compact privilege is subject to the rules governing licensees in rule 645—200.6(147) and in 645—Chapters 201 and 202. Complaints, investigations, and disciplinary proceedings involving a compact privilege shall be handled in accordance with Iowa Code chapters 17A and 272C; 2018 Iowa Acts, House File 2425; and the rules in 645—Chapters 9, 11, 12, and 13.

[ARC 4102C, IAB 10/24/18, effective 1/1/19]

**645—200.4(147) Examination requirements for physical therapists and physical therapist assistants.** The following criteria shall apply to the written examination(s):

**200.4(1)** The applicant shall take and pass the National Physical Therapy Examination (NPTE) or other nationally recognized equivalent examination as defined by the board.

**200.4(2)** The applicant shall abide by the following criteria:

*a.* For examinations taken prior to July 1, 1994, satisfactory completion shall be defined as receiving an overall examination score exceeding 1.5 standard deviations below the national average.

*b.* For examinations completed after July 1, 1994, satisfactory completion shall be defined as receiving an overall examination score equal to or greater than the criterion-referenced passing point recommended by the Federation of State Boards of Physical Therapy.

**200.4(3)** The Federation of State Boards of Physical Therapy (FSBPT) determines the total number of times an applicant may take the examination in a lifetime. The board will not approve an applicant for

testing when the applicant has exhausted the applicant's lifetime opportunities for taking the examination, as determined by FSBPT.

**200.4(4) Special accommodations.** To eliminate discrimination and guarantee fairness under Title II of the Americans with Disabilities Act (ADA), an individual who has a qualifying disability may request an examination accommodation. The applicant must submit appropriate documentation to FSBPT.

[ARC 0094C, IAB 4/18/12, effective 5/23/12; ARC 1659C, IAB 10/15/14, effective 11/19/14; ARC 2481C, IAB 4/13/16, effective 5/18/16; ARC 4702C, IAB 10/9/19, effective 11/13/19]

**645—200.5(147) Educational qualifications.**

**200.5(1)** The applicant must present proof of meeting the following requirements for licensure as a physical therapist or physical therapist assistant:

*a. Educational requirements—physical therapists.* Physical therapists shall graduate from a physical therapy program accredited by a national accreditation agency approved by the board.

*b. Educational requirements—physical therapist assistants.* Physical therapist assistants shall graduate from a PTA program accredited by a national accreditation agency approved by the board.

**200.5(2) Foreign-trained applicants.**

*a.* Foreign-trained applicants who do not hold a license in another state or U.S. territory shall:

(1) Submit an English translation and an equivalency evaluation of their educational credentials through the following organization: Foreign Credentialing Commission on Physical Therapy, Inc., 124 West Street South, Third Floor, Alexandria, VA 22314; telephone (703)684-8406; website [www.fccpt.org](http://www.fccpt.org). The credentials of a foreign-educated physical therapist or foreign-educated physical therapist assistant licensure applicant who does not hold a license in another state or territory of the United States and is applying for licensure by taking the examination should be evaluated using the most current version of the Federation of State Boards of Physical Therapy (FSBPT) Coursework Tool (CWT). The professional curriculum must be equivalent to the Commission on Accreditation in Physical Therapy Education standards. An applicant shall bear the expense of the curriculum evaluation.

(2) Submit certified proof of proficiency in the English language by achieving on the Test of English as a Foreign Language Internet-based test (TOEFL iBT test) a total score of at least 89 on the TOEFL iBT test as well as accompanying minimum scores in the four test components as follows: 24 in writing; 26 in speaking; 21 in reading; and 18 in listening. This test is administered by Educational Testing Services, Inc., P.O. Box 6157, Princeton, NJ 08541-6157. An applicant shall bear the expense of the TOEFL iBT test. Applicants may be exempt from the TOEFL iBT test when physical therapy education was completed in a school where the language of instruction in physical therapy was English, the language of the textbooks was English, and the applicant's transcript was in English.

*b.* Foreign-trained applicants who hold a license in another state or U.S. territory may apply for licensure by endorsement.

[ARC 9328B, IAB 1/12/11, effective 2/16/11; ARC 0094C, IAB 4/18/12, effective 5/23/12; ARC 3445C, IAB 11/8/17, effective 12/13/17; ARC 4702C, IAB 10/9/19, effective 11/13/19]

**645—200.6(147) Delegation by a supervising physical therapist.** A supervising physical therapist may delegate the performance of physical therapy services to a physical therapist assistant only if done in accordance with the statutes and rules governing the practice of physical therapy. A physical therapist assistant may assist in the practice of physical therapy only to the extent allowed by the supervising physical therapist. The supervisory requirements stated in this rule are minimal. It is the professional responsibility and duty of the supervising physical therapist to provide the physical therapist assistant with more supervision if deemed necessary in the supervising physical therapist's professional judgment.

**200.6(1) Supervision requirements.** A supervising physical therapist who delegates the performance of physical therapy services to a physical therapist assistant shall provide supervision to the physical therapist assistant at all times when the physical therapist assistant is providing delegated physical therapy services. Supervision means that the physical therapist shall be readily available on site or telephonically anytime the physical therapist assistant is providing physical therapy services so that the physical therapist assistant may contact the physical therapist for advice, assistance, or instruction.

**200.6(2) *Functions that cannot be delegated.*** The following are functions that only a physical therapist may provide and that cannot be delegated to a physical therapist assistant:

- a. Interpretation of referrals;
- b. Initial physical therapy evaluation and reevaluations;
- c. Identification, determination, or modification of patient problems, goals, and plans of care;
- d. Final discharge evaluation and establishment of a discharge plan;
- e. Delegation of and instruction in the physical therapy services to be rendered by a physical therapist assistant or unlicensed assistive personnel including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures; and
- f. Timely review of documentation, reexamination of the patient, and revision of the plan of care when indicated.

**200.6(3) *Physical therapist responsibilities.*** At all times, the supervising physical therapist shall be responsible for the physical therapy plan of care and for all physical therapy services provided, including all physical therapy services delegated to a physical therapist assistant. In addition, the supervising physical therapist shall:

- a. Be responsible for the evaluation and development of a plan of care for use by the physical therapist assistant; and
- b. Not delegate a physical therapy service that exceeds the competency or skill set of the physical therapist assistant; and
- c. Ensure that a physical therapist assistant holds an active physical therapist assistant license issued by the board; and
- d. Ensure that a physical therapist assistant is aware of how the supervising physical therapist can be contacted telephonically when the physical therapist is not providing on-site supervision; and
- e. Arrange for an alternate physical therapist to provide supervision when the physical therapist has scheduled or unscheduled absences during time periods in which a physical therapist assistant will be providing delegated physical therapy services; and
- f. Ensure that a physical therapist assistant is informed when a patient's plan of care is transferred to a different supervising physical therapist; and
- g. Directly participate in physical therapy services upon the physical therapist assistant's request for a reexamination, when a change in the plan of care is needed, prior to any planned discharge, and in response to a change in the patient's medical status; and
- h. Hold regularly scheduled meetings with the physical therapist assistant to evaluate the physical therapist assistant's performance, assess the progress of a patient, and make changes to the plan of care as needed. The frequency of meetings should be determined by the supervising physical therapist based on the needs of the patient, the supervisory needs of the physical therapist assistant, and any planned discharge. The supervising physical therapist shall provide direction and instruction to the physical therapist assistant that are adequate to ensure the safety and welfare of the patient.

**200.6(4) *Physical therapist assistant responsibilities.*** A physical therapist assistant shall only provide physical therapy services under the supervision of a physical therapist. In addition, the physical therapist assistant shall:

- a. Only provide physical therapy services that have been delegated by the supervising physical therapist; and
- b. Only provide physical therapy services that are within the competency and skill set of the physical therapist assistant; and
- c. Consult the supervising physical therapist if the physical therapist assistant believes that any procedure is not in the best interest of the patient; and
- d. Contact the supervising physical therapist regarding any change or lack of change in a patient's condition that may require assessment by the supervising physical therapist; and
- e. Refer inquiries that require interpretation to the supervising physical therapist; and
- f. Ensure that the identification of the supervising physical therapist is included in the documentation for any visit when physical therapy services were provided by the physical therapist assistant; and

g. Only sign a treatment record if the provision of physical therapy services was done in accordance with the statutes and rules governing the practice of a physical therapist assistant.

**200.6(5) Ratio.** A physical therapist shall determine the number of physical therapist assistants who can be supervised safely and competently and shall not exceed that number; but in no case shall a physical therapist supervise more than four physical therapist assistants per calendar day. A physical therapist assistant who performs any delegated physical therapy services on behalf of the supervising physical therapist on a particular day shall be counted in determining the maximum ratio, regardless of the location of the physical therapist assistant or the number of patients treated.

**200.6(6) Minimum frequency of direct participation by a supervising physical therapist.** A supervising physical therapist shall use professional judgment to determine how frequently the physical therapist needs to directly participate in physical therapy services when delegating to a physical therapist assistant, the frequency of which shall be based on the needs of the patient. Direct participation can occur through an in-person or telehealth visit. The supervising physical therapist shall ensure that the patient record clearly indicates which visits included direct participation by the supervising physical therapist. The following are the minimum standards, which are expected to be exceeded when dictated by the supervising physical therapist's professional judgment, for the required frequency of direct participation by the supervising physical therapist when physical therapy services involve delegation to a physical therapist assistant:

a. *Hospital inpatient and skilled nursing.* For hospital inpatients and skilled nursing patients, a supervising physical therapist must directly participate in physical therapy services a minimum of once per calendar week. A calendar week is defined as Sunday through Saturday.

b. *All other settings.* In all other settings, a supervising physical therapist must directly participate in the provision of physical therapy services at least every eighth visit or every 30 calendar days, whichever comes first.

**200.6(7) Unlicensed assistive personnel.** A physical therapist is responsible for patient care provided by unlicensed assistive personnel under the physical therapist's supervision. A physical therapist is responsible for ensuring the qualifications of any unlicensed assistive personnel and shall maintain written documentation of their education or training. Unlicensed assistive personnel may assist a physical therapist assistant in the delivery of physical therapy services only if the physical therapist assistant maintains in-sight supervision of the unlicensed assistive personnel and the physical therapist assistant is primarily and significantly involved in the patient's care. Unlicensed assistive personnel shall not provide independent patient care unless each of the following standards is satisfied:

a. The physical therapist has direct participation in the patient's treatment or evaluation, or both, each treatment day;

b. Unlicensed assistive personnel may provide independent patient care only while under the on-site supervision of the physical therapist;

c. Documentation made in a physical therapy record by unlicensed assistive personnel shall be cosigned by the physical therapist; and

d. The physical therapist provides periodic reevaluation of any unlicensed assistive personnel's performance in relation to the patient.

[ARC 3876C, IAB 7/4/18, effective 8/8/18]

#### **645—200.7(147) Licensure by endorsement.**

**200.7(1)** An applicant who has been a licensed PT or PTA under the laws of another state or U.S. territory shall file an application for licensure by endorsement with the board office by completing the following steps:

- a. Submit to the board a completed application;
- b. Pay the licensure fee;
- c. Show evidence of licensure requirements that are similar to those required in Iowa;
- d. Submit a copy of the scores from the appropriate professional examination to be sent directly from the examination service to the board;

*e.* Submit two completed fingerprint cards and a signed waiver form to facilitate a national criminal history background check by the Iowa division of criminal investigation (DCI) and the Federal Bureau of Investigation (FBI). The cost of the criminal history background check by the DCI and the FBI shall be assessed to the applicant;

*f.* Provide official copies of the academic transcripts sent directly from the school to the board; and

*g.* Provide verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if the verification provides:

- (1) Licensee's name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

**200.7(2)** In addition to the requirements of 200.7(1), a physical therapist applicant shall:

*a.* Have completed 40 hours of board-approved continuing education during the immediately preceding two-year period; or

*b.* Have practiced as a licensed physical therapist for a minimum of 2,080 hours during the immediately preceding two-year period; or

*c.* Have served the equivalent of one year as a full-time faculty member teaching physical therapy in an accredited school of physical therapy for at least one of the immediately preceding two years; or

*d.* Have successfully passed the examination within a period of two years from the date of examination to the time application is completed for licensure.

**200.7(3)** In addition to the requirements of 200.7(1), a physical therapist assistant applicant shall:

*a.* Have completed 20 hours of board-approved continuing education during the immediately preceding two-year period; or

*b.* Have practiced as a licensed physical therapist assistant for a minimum of 2,080 hours during the immediately preceding two-year period; or

*c.* Have successfully passed the examination for physical therapist assistants within a period of one year from the date of examination to the time application for licensure is completed.

**200.7(4)** Individuals who were issued their licenses by endorsement within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

**200.7(5)** An applicant for licensure under subrule 200.7(1) must include with this application a sworn statement of previous physical therapy practice from an employer or professional associate, detailing places and dates of employment and verifying that the applicant has practiced physical therapy at least 2,080 hours or taught as the equivalent of a full-time faculty member for at least one of the immediately preceding years during the last two-year time period.

[ARC 3445C, IAB 11/8/17, effective 12/13/17; ARC 4102C, IAB 10/24/18, effective 1/1/19; ARC 4702C, IAB 10/9/19, effective 11/13/19]

**645—200.8(147) Licensure by reciprocal agreement.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—200.9(147) License renewal.**

**200.9(1)** The biennial license renewal period for a license to practice as a physical therapist or physical therapist assistant shall begin on the sixteenth day of the birth month and end on the fifteenth day of the birth month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**200.9(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

**200.9(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—203.2(148A) and the mandatory reporting requirements of subrule 200.9(4). A licensee whose license was reactivated during the current

renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**200.9(4) Mandatory reporter training requirements.**

*a.* A licensee who is required by Iowa Code section 232.69 to report child abuse shall indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) “*b*” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “*e*.”

*b.* A licensee who is required by Iowa Code section 235B.3 or 235E.2 to report dependent adult abuse shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) “*b*” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “*e*.”

*c.* The course(s) shall be the curriculum provided by the Iowa department of human services.

*d.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs “*a*” to “*c*,” including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs “*a*” to “*e*.”

**200.9(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**200.9(6)** Persons licensed to practice as physical therapists or physical therapist assistants shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

**200.9(7)** Late renewal. The license shall become a late license when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.13(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**200.9(8)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a physical therapist or a physical therapist assistant in Iowa until the license is reactivated. A licensee who practices as a physical therapist or a physical therapist assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 0094C, IAB 4/18/12, effective 5/23/12; ARC 5021C, IAB 4/8/20, effective 6/1/20]

**645—200.10(272C) Exemptions for inactive practitioners.** Rescinded IAB 9/14/05, effective 10/19/05.

**645—200.11(272C) Lapsed licenses.** Rescinded IAB 9/14/05, effective 10/19/05.

**645—200.12(147) Duplicate certificate or wallet card.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—200.13(147) Reissued certificate or wallet card.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—200.14(17A,147,272C) License denial.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—200.15(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**200.15(1)** Submit a reactivation application on a form provided by the board.

**200.15(2)** Pay the reactivation fee that is due as specified in 645—subrule 5.13(5).

**200.15(3)** Provide verification of current competence to practice physical therapy by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 20 hours of continuing education for a physical therapy assistant and 40 hours of continuing education for a physical therapist within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 40 hours of continuing education for a physical therapy assistant and 80 hours of continuing education for a physical therapist within two years of application for reactivation; verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

[ARC 5072C, IAB 7/1/20, effective 8/5/20]

**645—200.16(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—200.15(17A,147,272C) prior to practicing physical therapy in this state.

These rules are intended to implement Iowa Code chapters 17A, 147, 148A and 272C.

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◊ Two or more ARCs



CHAPTER 206  
LICENSURE OF OCCUPATIONAL THERAPISTS  
AND OCCUPATIONAL THERAPY ASSISTANTS

[Prior to 3/6/02, see 645—201.3(147,148B,272C) to 645—201.7(147) and 645—201.9(272C)]

**645—206.1(147) Definitions.** For purposes of these rules, the following definitions shall apply:

“*Active license*” means a license that is current and has not expired.

“*Board*” means the board of physical and occupational therapy.

“*Department*” means the department of public health.

“*Grace period*” means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

“*Inactive license*” means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

“*Licensee*” means any person licensed to practice as an occupational therapist or occupational therapy assistant in the state of Iowa.

“*License expiration date*” means the fifteenth day of the birth month every two years after initial licensure.

“*Licensure by endorsement*” means the issuance of an Iowa license to practice occupational therapy to an applicant who is or has been licensed in another state.

“*Licensure examination*” means the examination administered by the National Board for Certification in Occupational Therapy.

“*Mandatory training*” means training on identifying and reporting child abuse or dependent adult abuse required of occupational therapists or occupational therapy assistants who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

“*NBCOT*” means the National Board for Certification in Occupational Therapy.

“*Occupational therapist*” means a person licensed under this chapter to practice occupational therapy.

“*Occupational therapy assistant*” means a person licensed under this chapter to assist in the practice of occupational therapy.

“*Occupational therapy practice*” means the therapeutic use of occupations, including everyday life activities with individuals, groups, populations, or organizations, to support participation, performance, and function in roles and situations in home, school, workplace, community, and other settings. Occupational therapy services are provided for habilitation, rehabilitation, and the promotion of health and wellness to those who have or are at risk for developing an illness, injury, disease, disorder, condition, impairment, disability, activity limitation, or participation restriction. Occupational therapy addresses the physical, cognitive, psychosocial, sensory-perceptual, and other aspects of performance in a variety of contexts and environments to support engagement in occupations that affect physical and mental health, well-being, and quality of life. The practice of occupational therapy includes:

1. Evaluation of factors affecting activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

- Client factors, including body functions (such as neuromusculoskeletal, sensory-perceptual, visual, mental, cognitive, and pain factors) and body structures (such as cardiovascular, digestive, nervous, integumentary, genitourinary systems, and structures related to movement) and values, beliefs, and spirituality.

- Habits, routines, roles, rituals, and behavior patterns.

- Physical and social environments; cultural, personal, temporal and virtual contexts; and activity demands that affect performance.

- Performance skills, including motor and praxis, sensory-perceptual, emotional regulation, cognitive, communication and social skills.

2. Methods or approaches selected to direct the process of interventions, including:

- Establishment of a skill or ability that has not yet developed or remediation or restoration of a skill or ability that is impaired or is in decline.

- Compensation, modification, or adaptation of activity or environment to enhance performance or to prevent injuries, disorders, or other conditions.

- Retention and enhancement of skills or abilities without which performance in everyday life activities would decline.

- Promotion of health and wellness, including the use of self-management strategies, to enable or enhance performance in everyday life activities.

- Prevention of barriers to performance and participation, including injury and disability prevention.

3. Interventions and procedures to promote or enhance safety and performance in activities of daily living (ADL), instrumental activities of daily living (IADL), rest and sleep, education, work, play, leisure, and social participation, including:

- Therapeutic use of occupations, exercises, and activities.

- Training in self-care, self-management, health management and maintenance, home management, community/work reintegration, and school activities and work performance.

- Development, remediation, or compensation of neuromusculoskeletal, sensory-perceptual, visual, mental, and cognitive functions, pain tolerance and management, and behavioral skills.

- Therapeutic use of self, including one's personality, insights, perceptions, and judgments, as part of the therapeutic process.

- Education and training of individuals, including family members, caregivers, groups, populations, and others.

- Care coordination, case management, and transition services.

- Consultative services to groups, programs, organizations, or communities.

- Modification of environments (home, work, school, or community) and adaptation of processes, including the application of ergonomic principles.

- Assessment, design, fabrication, application, fitting, and training in seating and positioning, assistive technology, adaptive devices, and orthotic devices, and training in the use of prosthetic devices.

- Assessment, recommendation, and training in techniques to enhance functional mobility, including management of wheelchairs and other mobility devices.

- Low vision rehabilitation.

- Driver rehabilitation and community mobility.

- Management of feeding, eating, and swallowing to enable eating and feeding performance.

- Application of physical agent modalities and use of a range of specific therapeutic procedures (such as wound care management, interventions to enhance sensory-perceptual and cognitive processing, and manual therapy) to enhance performance skills.

- Facilitating the occupational performance of groups, populations, or organizations through the modification of environments and the adaptation of processes.

*"Occupational therapy screening"* means a brief process which is directed by an occupational therapist in order for the occupational therapist to render a decision as to whether the individual warrants further, in-depth evaluation and which includes:

1. Assessment of the medical and social history of an individual;

2. Observations related by that individual's caregivers; or

3. Observations or nonstandardized tests, or both, administered to an individual by the occupational therapist or an occupational therapy assistant under the direction of the occupational therapist.

Nothing in this definition shall be construed to prohibit licensed occupational therapists and occupational therapy assistants who work in preschools or school settings from providing short-term

interventions to children prior to an evaluation, not to exceed 16 sessions per concern per school year, in accordance with state and federal educational policy.

*“On site”* means:

1. To be continuously on site and present in the department or facility where the assistive personnel are performing services;
2. To be immediately available to assist the person being supervised in the services being performed; and
3. To provide continued direction of appropriate aspects of each treatment session in which a component of treatment is delegated to assistive personnel.

*“OT”* means occupational therapist.

*“OTA”* means occupational therapy assistant.

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—206.11(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice occupational therapy to an applicant who is currently licensed in another state which has a mutual agreement with the Iowa board of physical and occupational therapy to license persons who have the same or similar qualifications to those required in Iowa.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

[ARC 7644B, IAB 3/25/09, effective 4/29/09; ARC 0223C, IAB 7/25/12, effective 8/29/12]

**645—206.2(147) Requirements for licensure.** The following criteria shall apply to licensure:

**206.2(1)** The applicant shall complete a board-approved application. Application forms may be obtained from the board’s website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office, or the applicant may complete the application online at [ibplicense.iowa.gov](http://ibplicense.iowa.gov). All paper applications shall be sent to the Board of Physical and Occupational Therapy, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

**206.2(2)** The applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

**206.2(3)** Each application shall be accompanied by the appropriate fees payable by check or money order to the Board of Physical and Occupational Therapy. The fees are nonrefundable.

**206.2(4)** No application will be considered by the board until official copies of academic transcripts sent directly from the school to the board have been received by the board.

**206.2(5)** The licensure examination score shall be sent directly from the examination service to the board to confirm a passing score on the examination.

**206.2(6)** Licensees who were issued their initial licenses within six months prior to the renewal date shall not be required to renew their licenses until the renewal date two years later.

**206.2(7)** Submitting complete application materials. An application for an occupational therapist or occupational therapy assistant license will be considered active for two years from the date the application is received. If the applicant does not submit all materials within this time period or if the applicant does not meet the requirements for the license, the application shall be considered incomplete. An applicant whose application is filed incomplete must submit a new application, supporting materials, and the application fee. The board shall destroy incomplete applications after two years.

[ARC 3445C, IAB 11/8/17, effective 12/13/17]

**645—206.3(147) Limited permit to practice pending licensure.** A limited permit holder who is applying for licensure in Iowa by taking the licensure examination for the first time and has never been licensed as an occupational therapist or occupational therapy assistant in any state, the District of Columbia, or another country must have completed the educational and experience requirements for licensure as an occupational therapist or occupational therapy assistant. The limited permit holder shall:

1. Make arrangements to take the examination and have the official results of the examination sent directly from the examination service to the board;
2. Apply for licensure on forms provided by the board. The applicant must include on the application form the name of the Iowa-licensed occupational therapist(s) who will provide supervision of the limited permit holder until the limited permit holder is licensed;
3. Practice only under the supervision of an Iowa-licensed OT for a period not to exceed six months from the date the application was received in the board office;
4. Submit to the board the name of the OT providing supervision within seven days after a change in supervision occurs; and
5. If the applicant fails the national examination, the limited permit holder must cease practicing immediately.

**645—206.4(147) Applicant occupational therapist and occupational therapy assistant.** Rescinded ARC 3445C, IAB 11/8/17, effective 12/13/17.

**645—206.5(147) Practice of occupational therapy limited permit holders.**

**206.5(1)** Occupational therapist limited permit holders may:

- a.* Evaluate clients, plan treatment programs, and provide periodic reevaluations only under supervision of a licensed OT who shall bear full responsibility for care provided under the OT's supervision; and
- b.* Perform the duties of the occupational therapist under the supervision of an Iowa-licensed occupational therapist, except for providing supervision to an occupational therapy assistant.

**206.5(2)** Occupational therapy assistants and limited permit holders shall:

- a.* Follow the treatment plan written by the supervising OT outlining the elements that have been delegated; and
- b.* Perform occupational therapy procedures delegated by the supervising OT as required in subrule 206.8(4).

[ARC 3445C, IAB 11/8/17, effective 12/13/17]

**645—206.6(147) Examination requirements.** The following criteria shall apply to the written examination(s):

**206.6(1)** The applicant for licensure as an occupational therapist shall have received a passing score on the licensure examination for occupational therapists. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

**206.6(2)** The applicant for licensure as an occupational therapy assistant shall have received a passing score on the licensure examination for occupational therapy assistants. It is the responsibility of the applicant to make arrangements to take the examination and have the official results submitted directly from the examination service to the board of physical and occupational therapy.

**645—206.7(147) Educational qualifications.**

**206.7(1)** The applicant must present proof of meeting the following requirements for licensure as an occupational therapist or occupational therapy assistant:

*a. Occupational therapist.* The applicant for licensure as an occupational therapist shall have completed the requirements for a degree in occupational therapy in an occupational therapy program accredited by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

*b. Occupational therapy assistant.* The applicant for licensure as an occupational therapy assistant shall be a graduate of an educational program approved by the Accreditation Council for Occupational Therapy Education of the American Occupational Therapy Association. The transcript shall show completion of a supervised fieldwork experience.

**206.7(2)** Foreign-trained occupational therapists and occupational therapy assistants. To become eligible to take the licensure examination, internationally educated occupational therapists must meet NBCOT eligibility requirements and undergo prescreening based on the status of their occupational therapy educational programs.

**645—206.8(148B) Supervision requirements.**

**206.8(1)** Care rendered by unlicensed assistive personnel shall not be documented or charged as occupational therapy unless direct on-site supervision is provided by an OT or in-sight supervision is provided by an OTA.

**206.8(2)** Occupational therapist supervisor responsibilities. The supervisor shall:

- a.* Provide supervision to a licensed OTA, OT limited permit holder and OTA limited permit holder anytime occupational therapy services are rendered. Supervision may be provided on site or through the use of telecommunication or other technology.
- b.* Ensure that every licensed OTA, OT limited permit holder and OTA limited permit holder being supervised is aware of who the supervisor is and how the supervisor can be contacted anytime occupational therapy services are rendered.
- c.* Assume responsibility for all delegated tasks and shall not delegate a service which exceeds the expertise of the OTA or OTA limited permit holder.
- d.* Provide evaluation and development of a treatment plan for use by the OTA.
- e.* Ensure that the OTA, OT limited permit holder and OTA limited permit holder under the OT's supervision have current licenses to practice.
- f.* Ensure that the signature of an OTA on an occupational therapy treatment record indicates that the occupational therapy services were provided in accordance with the rules and regulations for practicing as an OTA.

**206.8(3)** The following are functions that only an occupational therapist may provide and that shall not be delegated to an OTA:

- a.* Interpretation of referrals;
- b.* Initial occupational therapy evaluation and reevaluations;
- c.* Identification, determination or modification of patient problems, goals, and care plans;
- d.* Final discharge evaluation and establishment of the discharge plan;
- e.* Assurance of the qualifications of all assistive personnel to perform assigned tasks through written documentation of their education or training that is maintained and available at all times;
- f.* Delegation of and instruction in the services to be rendered by the OTA including, but not limited to, specific tasks or procedures, precautions, special problems, and contraindicated procedures; and
- g.* Timely review of documentation, reexamination of the patient and revision of the plan when indicated.

**206.8(4)** Supervision of unlicensed assistive personnel. OTs are responsible for patient care provided by unlicensed assistive personnel under the OT's supervision. Unlicensed assistive personnel shall not provide independent patient care unless each of the following standards is satisfied:

- a.* The supervising OT shall physically participate in the patient's treatment or evaluation, or both, each treatment day;
- b.* The unlicensed assistive personnel shall provide independent patient care only while under the on-site supervision of the supervising OT;
- c.* Documentation made in occupational therapy records by unlicensed assistive personnel shall be cosigned by the supervising OT; and
- d.* The supervising OT shall provide periodic reevaluation of the performance of unlicensed assistive personnel in relation to the patient.

**206.8(5)** Minimum frequency of OT interaction. At a minimum, an OT must directly participate in treatment, either in person or through a telehealth visit, every twelfth visit for all patients and must document each visit. The occupational therapist shall participate at a higher frequency when the standard of care dictates.

**206.8(6) Occupational therapy assistant responsibilities.****a. The occupational therapy assistant:**

(1) Shall provide only those services for which the OTA has the necessary skills and shall consult the supervising occupational therapist if the procedures are believed not to be in the best interest of the patient;

(2) Shall gather data relating to the patient's disability during screening, but shall not interpret the patient information as it pertains to the plan of care;

(3) Shall communicate any change, or lack of change, which occurs in the patient's condition and which may need the assessment of the OT;

(4) Shall provide occupational therapy services only under the supervision of the occupational therapist;

(5) Shall provide treatment only after evaluation and development of a treatment plan by the occupational therapist;

(6) Shall refer inquiries that require interpretation of patient information to the occupational therapist;

(7) Shall be supervised by an occupational therapist, either on site or through the use of telecommunication or other technology, at all times when occupational therapy services are being rendered;

(8) May receive supervision from any number of occupational therapists; and

(9) Shall record on every patient chart the name of the OTA's supervisor for each treatment session.

**b.** The signature of an OTA on the occupational therapy treatment record indicates that occupational therapy services were provided in accordance with the rules and regulations for practicing as an OTA.

**206.8(7) Unlicensed assistive personnel.** Unlicensed assistive personnel may assist an OTA in providing patient care in the absence of an OT only if the OTA maintains in-sight supervision of the unlicensed assistive personnel and the OTA is primarily and significantly involved in that patient's care.

**206.8(8)** The occupational therapy limited permit holder may evaluate clients, plan treatment programs, and provide periodic reevaluations under supervision of a licensed occupational therapist who shall bear full responsibility for care provided under the occupational therapist's supervision.

[ARC 0223C, IAB 7/25/12, effective 8/29/12; ARC 3876C, IAB 7/4/18, effective 8/8/18]

**645—206.9(147) Licensure by endorsement.** An applicant who has been a licensed occupational therapist or occupational therapy assistant under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may receive by endorsement any applicant from the District of Columbia, another state, territory, province or foreign country who:

1. Submits to the board a completed application;
2. Pays the licensure fee;
3. Shows evidence of licensure requirements in the jurisdiction in which the applicant has been licensed that are similar to those required in Iowa;

4. Submits official results from the appropriate professional examination sent directly from the examination service to the board;

5. Provides official copies of the academic transcripts sent directly from the school to the board;

6. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction's board office if it provides:

- Licensee's name;
  - Date of initial licensure;
  - Current licensure status; and
  - Any disciplinary action taken against the license; and
7. Shows evidence of one of the following:

- Completion of 30 hours for an occupational therapist and 15 hours for an occupational therapy assistant of board-approved continuing education during the immediately preceding two-year period;

- The practice of occupational therapy for a minimum of 2,080 hours during the immediately preceding two-year period as a licensed occupational therapist or occupational therapy assistant;
- Serving as a full-time equivalent faculty member teaching occupational therapy in an accredited school of occupational therapy for at least one of the immediately preceding two years; or
- Successfully passing the examination within a period of two years from the date of examination to the time application is completed for licensure.

Individuals who were issued their licenses by endorsement within six months of the license renewal date will not be required to renew their licenses until the next renewal two years later.

[ARC 0223C, IAB 7/25/12, effective 8/29/12; ARC 3445C, IAB 11/8/17, effective 12/13/17]

#### **645—206.10(147) License renewal.**

**206.10(1)** The biennial license renewal period for a license to practice as an occupational therapist or occupational therapy assistant shall begin on the sixteenth day of the birth month and end on the fifteenth day of the birth month two years later. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**206.10(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal two years later.

**206.10(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—207.2(272C) and the mandatory reporting requirements of subrule 206.12(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**206.10(4)** Mandatory reporter training requirements.

*a.* A licensee who is required by Iowa Code section 232.69 to report child abuse shall indicate on the renewal application completion of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) “*b*” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “*e*.”

*b.* A licensee who is required by Iowa Code section 235B.3 or 235E.2 to report dependent adult abuse shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) “*b*” in the previous three years or condition(s) for waiver of this requirement as identified in paragraph “*e*.”

*c.* The course(s) shall be the curriculum provided by the Iowa department of human services.

*d.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs “*a*” to “*c*,” including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in 645—Chapter 4.

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs “*a*” to “*e*.”

**206.10(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**206.10(6)** Persons licensed to practice as occupational therapists or occupational therapy assistants shall keep their renewal licenses displayed in a conspicuous public place at the primary site of practice.

**206.10(7)** Late renewal. The license shall become a late license when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.11(4). To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

**206.10(8)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as an occupational therapist or occupational therapy assistant in Iowa until the license is reactivated. A licensee who practices as an occupational therapist or occupational therapy assistant in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 0223C, IAB 7/25/12, effective 8/29/12; ARC 5021C, IAB 4/8/20, effective 6/1/20]

**645—206.11(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**206.11(1)** Submit a reactivation application on a form provided by the board.

**206.11(2)** Pay the reactivation fee that is due as specified in 645—subrule 5.11(5).

**206.11(3)** Provide verification of current competence to practice occupational therapy by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 15 hours of continuing education for an occupational therapy assistant and 30 hours of continuing education for an occupational therapist within two years of application for reactivation; or verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 30 hours of continuing education for an occupational therapy assistant and 60 hours of continuing education for an occupational therapist within two years of application for reactivation; verification of active practice, consisting of a minimum of 2,080 hours, in another state or jurisdiction during the two years preceding an application for reactivation; or evidence of successful completion of the professional examination required for initial licensure completed within one year prior to the submission of an application for reactivation.

[ARC 0223C, IAB 7/25/12, effective 8/29/12; ARC 5072C, IAB 7/1/20, effective 8/5/20]



**645—206.12(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—206.11(17A,147,272C) prior to practicing occupational therapy in this state.  
[ARC 0223C, IAB 7/25/12, effective 8/29/12]

**645—206.13(272C) Exemptions for inactive practitioners.** Rescinded IAB 9/14/05, effective 10/19/05.

**645—206.14(272C) Lapsed licenses.** Rescinded IAB 9/14/05, effective 10/19/05.

**645—206.15(147) Duplicate certificate or wallet card.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—206.16(147) Reissued certificate or wallet card.** Rescinded IAB 12/17/08, effective 1/21/09.

**645—206.17(17A,147,272C) License denial.** Rescinded IAB 12/17/08, effective 1/21/09.

These rules are intended to implement Iowa Code chapters 17A, 147, 148B and 272C.

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[Filed ARC 5072C (Notice ARC 4917C, IAB 2/12/20), IAB 7/1/20, effective 8/5/20]

<sup>◇</sup> Two or more ARCs



*PSYCHOLOGISTS*

CHAPTER 240	LICENSURE OF PSYCHOLOGISTS
CHAPTER 241	CONTINUING EDUCATION FOR PSYCHOLOGISTS
CHAPTER 242	DISCIPLINE FOR PSYCHOLOGISTS
CHAPTER 243	RESERVED
CHAPTER 244	PRESCRIBING PSYCHOLOGISTS

CHAPTER 240  
LICENSURE OF PSYCHOLOGISTS

**645—240.1(154B) Definitions.** For purposes of these rules, the following definitions shall apply:

*“Active license”* means a license that is current and has not expired.

*“Board”* means the board of psychology.

*“Certified health service provider in psychology”* means a person who works in a clinical setting, is licensed to practice psychology and who has a doctoral degree in psychology. A person certified as a health service provider in psychology shall be deemed qualified to diagnose or evaluate mental illness and nervous disorders.

*“Grace period”* means the 30-day period following expiration of a license when the license is still considered to be active. In order to renew a license during the grace period, a licensee is required to pay a late fee.

*“Inactive license”* means a license that has expired because it was not renewed by the end of the grace period. The category of “inactive license” may include licenses formerly known as lapsed, inactive, delinquent, closed, or retired.

*“Licensee”* means any person licensed to practice as a psychologist or health service provider in psychology in the state of Iowa.

*“License expiration date”* means June 30 of even-numbered years.

*“Licensure by endorsement”* means the issuance of an Iowa license to practice psychology to an applicant who is or has been licensed in another state.

*“Mandatory training”* means training on identifying and reporting child abuse or dependent adult abuse required of psychologists who are mandatory reporters. The full requirements on mandatory reporting of child abuse and the training requirements are found in Iowa Code section 232.69. The full requirements on mandatory reporting of dependent adult abuse and the training requirements are found in Iowa Code section 235B.16.

*“National examination”* means the Examination for Professional Practice in Psychology (EPPP).

*“Organized health service training program”* means a training program designed to provide the intern with a planned, programmed sequence of training experiences. The primary focus and purpose is ensuring breadth and quality of training.

*“Provisional license”* means a license issued to a person who has met the educational qualifications for licensure and is engaged in professional experience under supervision that meets the requirements of rules 645—240.1(154B), 645—240.6(154B) and 645—240.9(154B).

*“Reactivate”* or *“reactivation”* means the process as outlined in rule 645—240.14(17A,147,272C) by which an inactive license is restored to active status.

*“Reciprocal license”* means the issuance of an Iowa license to practice psychology to an applicant who is currently licensed in another state that has a mutual agreement with the Iowa board of psychology to license persons who have the same or similar qualifications to those required in Iowa.

*“Recognized health service setting”* means a setting in which the delivery of direct preventive, assessment, and therapeutic intervention services are provided to individuals whose growth, adjustment or functioning is actually impaired or is demonstrably at high risk of impairment. The delivery of the aforementioned services includes, but is not limited to, the diagnosis or evaluation and treatment of mental illness and nervous disorders, excluding those mental illnesses and nervous disorders which are

established as primarily of biological etiology with the exception of the treatment of the psychological and behavioral aspects of those mental illnesses and nervous disorders.

*“Reinstatement”* means the process as outlined in 645—11.31(272C) by which a licensee who has had a license suspended or revoked or who has voluntarily surrendered a license may apply to have the license reinstated, with or without conditions. Once the license is reinstated, the licensee may apply for active status.

*“Supervisor”* means a licensed psychologist who during the time in which supervision is provided, is actively licensed in the jurisdiction where the supervision occurs.

*“Testing service”* means Professional Examination Service (PES).

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1834C, IAB 1/21/15, effective 2/25/15]

#### **645—240.2(154B) Requirements for licensure.**

**240.2(1)** The following criteria shall apply to licensure:

*a.* An applicant shall complete a board-approved application packet. Application forms may be obtained from the board’s website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to Board of Psychology, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075.

*b.* An applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board.

*c.* Each application shall be accompanied by the appropriate fees payable to the Board of Psychology. The fees are nonrefundable.

*d.* Except as otherwise stated in these rules, no application will be considered by the board until:

(1) Official copies of academic transcripts sent directly from the school to the board of psychology have been received by the board; and

(2) Satisfactory evidence of the candidate’s qualifications has been supplied in writing on the prescribed forms by the candidate’s supervisors.

*e.* An applicant shall successfully pass the national examination.

*f.* The applicant shall have the national examination score sent directly from the testing service to the board.

*g.* Rescinded IAB 9/24/08, effective 10/29/08.

*h.* Incomplete applications that have been on file in the board office for more than two years shall be:

(1) Considered invalid and shall be destroyed; or

(2) Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

**240.2(2) and 240.2(3)** Rescinded IAB 9/4/02, effective 10/9/02.

[ARC 1029C, IAB 9/18/13, effective 10/23/13]

**645—240.3(154B) Educational qualifications.** A new applicant for licensure to practice as a psychologist shall possess a doctoral degree in psychology.

**240.3(1)** The degree in psychology shall be granted by an institution accredited by the North Central Association of Colleges and Secondary Schools or an equivalent accrediting association or entity in other regions of the United States.

**240.3(2)** Rescinded IAB 9/24/08, effective 10/29/08.

**240.3(3)** Unless otherwise stated in these rules, at the time of an applicant’s graduation:

*a.* The program from which the doctoral degree in psychology is granted must be:

(1) Accredited by the American Psychological Association; or

(2) Accredited by the Canadian Psychological Association; or

(3) Designated by the Association of State and Provincial Psychology Boards (ASPPB)/National Register Designation Project as a doctoral program in psychology; or

*b.* The applicant must hold a specialty diploma by examination from the American Board of Professional Psychology.

**240.3(4)** Rescinded IAB 9/18/13, effective 10/23/13.

**240.3(5)** Foreign-trained psychologists shall:

*a.* Provide an equivalency evaluation of their educational credentials by the National Register of Health Service Providers in Psychology, 1120 G Street NW, Suite 330, Washington, D.C. 20005, telephone (202)783-7663, website [www.nationalregister.org](http://www.nationalregister.org), or by an evaluation service with membership in the National Association of Credentials Evaluation Services, Inc., at [www.naces.org](http://www.naces.org). A certified translation of documents submitted in a language other than English shall be provided. The candidate shall bear the expense of the curriculum evaluation and translation of application documents. The educational credentials must be equivalent to programs stated in 240.3(3).

*b.* Provide a notarized copy of the certificate or diploma awarded to the applicant from a psychology program in the country in which the applicant was educated.

*c.* Submit evidence of meeting all other requirements for licensure stated in these rules.

*d.* Receive a final determination from the board regarding the application for licensure.

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1029C, IAB 9/18/13, effective 10/23/13]

**645—240.4(154B) Examination requirements.** An applicant must pass the national examination to be eligible for licensure in Iowa.

**240.4(1)** To be eligible to take the national examination, the applicant shall:

*a.* Meet all requirements of subrule 240.2(1), paragraphs “a” to “c”;

*b.* Provide official copies of academic transcripts sent directly from the school to the board of psychology; and

*c.* Provide the completed supervision registration form according to the instructions on the form.

**240.4(2)** Notification of an applicant’s eligibility for the examination shall be sent by the board office to the testing service.

**240.4(3)** The EPPP passing score shall be utilized as the Iowa passing score.

**240.4(4)** The board of psychology shall mail examination results to the applicant.

**240.4(5)** Rescinded IAB 9/24/08, effective 10/29/08.

[ARC 1029C, IAB 9/18/13, effective 10/23/13]

**645—240.5(154B) Title designations.**

**240.5(1)** Applicants for licensure who have met educational requirements but have not yet passed the EPPP may be designated “psychology associate” or “associate in psychology.” The title “psychology associate” or “associate in psychology” shall not be used except in the person’s employment and supervision that meet the requirements of subrules 240.6(1) and 240.6(2).

**240.5(2)** Applicants for licensure who have passed the EPPP and who are fulfilling the experience requirements specified herein for licensure may be designated “psychology resident” or “resident in psychology.” The designation of “resident” shall not be used except in the employment and supervised experience that meet the requirements of subrules 240.6(1) and 240.6(2).

**240.5(3)** In addition to the title designations set forth in subrules 240.5(1) and 240.5(2), persons who possess provisional licenses shall add the designation “provisional license in psychology” following the “associate” or “resident” designation.

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1834C, IAB 1/21/15, effective 2/25/15]

**645—240.6(154B) Supervised professional experience.**

**240.6(1)** The supervised professional experience shall:

*a.* Be a minimum of one year on a full- or part-time basis for no less than 1500 hours, or be a minimum of 1500 hours that are completed in no less than 10 months;

*b.* Apply the principles of psychology;

*c.* Be supervised by a licensed psychologist in accordance with subrule 240.6(2) and rule 645—240.9(154B);

*d.* Be performed competently as attested to by the supervisor; and

*e.* Have the fees and receipt of payment schedule remain the sole domain of the employing agency or supervising psychologist.

**240.6(2) Requirements.**

*a.* To meet the requirements of the supervised professional experience, the supervisee must:

(1) Meet face to face and individually with the supervisor during each week in which experience hours are accrued, for no less than a total of 45 hours during the period of supervised professional experience;

(2) Have training that is appropriate to the functions to be performed;

(3) Work in the same physical setting as the supervisor unless a completed off-site supervision form is submitted to and approved by the board;

(4) Offer work in the name of the supervising psychologist;

(5) Begin the experience after all academic requirements for the doctoral degree are met and when all degree requirements are verified in writing;

(6) Not apply professional employment that occurs prior to meeting the doctoral academic requirements to the supervised professional experience; and

(7) Have the background, training, and experience that is appropriate to the functions performed.

*b.* To meet the requirements of the supervised professional experience, the supervisor must:

(1) Be a licensed psychologist as specified in rule 645—240.1(154B);

(2) Complete the supervision form provided by the board;

(3) Meet face to face and individually with the supervisee during each week in which experience hours are accrued, for no less than a total of 45 hours during the period of supervised professional experience;

(4) Provide training that is appropriate to the functions to be performed;

(5) Work in the same physical setting as the supervisee unless a completed off-site supervision form is submitted to, and approved by the board;

(6) Have work offered in the name of the supervising psychologist;

(7) Have no more than three full-time persons associated with the supervisor as listed on the supervisor report form obtained from the board;

(8) Not provide group supervision as part of the 45 hours required for individual supervision;

(9) Not supervise any psychological practice or permit the supervisor's supervisee to engage in any psychological practice which the supervisor cannot perform competently; and

(10) Be responsible for determining competency of the work performed by the supervisee and the designation of the title of the supervisee.

**240.6(3)** Employment experience which is offered to satisfy one provision of the law may not be simultaneously offered to satisfy the educational provisions of the law. For example, employment experiences which are part of the required preparation for the doctoral degree will be applicable only to the doctoral degree requirements and may not be simultaneously offered to satisfy the supervised professional experience requirement.

**240.6(4)** Professional employment experience acquired by the applicant between the time all requirements were fulfilled for the doctoral degree and the time of the actual conferral of the degree may be credited toward the professional employment experience requirements for licensing, provided that the date of completion of all degree requirements is verified in writing by an appropriate academic official. Verification must come directly to the board from the academic official.

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1834C, IAB 1/21/15, effective 2/25/15]

**645—240.7(154B) Certified health service provider in psychology.**

**240.7(1)** *Requirements for the health service provider in psychology.* The applicant shall:

*a.* Verify at least two years of clinical experience in a recognized health service setting or meet the standards of the National Register of Health Service Providers in Psychology. Two years of clinical experience means two years of supervised experience in health service in psychology, of which at least one year is in an organized health service training program as defined in these rules and one year is in a recognized health service setting as defined in these rules that meets the requirements for supervised professional experience stated in subrules 240.6(1) and 240.6(2).

b. Complete a board-approved application and submit supporting documentation. Application forms may be obtained from the board's website ([www.idph.iowa.gov/licensure](http://www.idph.iowa.gov/licensure)) or directly from the board office. All applications shall be sent to the Board of Psychology, Professional Licensure Division, Fifth Floor, Lucas State Office Building, Des Moines, Iowa 50319-0075. An applicant shall complete the application form according to the instructions contained in the application. If the application is not completed according to the instructions, the application will not be reviewed by the board. Incomplete applications that have been on file in the board office for more than two years without additional supporting documentation shall be:

- (1) Considered invalid and shall be destroyed; or
- (2) Maintained upon written request of the applicant. The applicant is responsible for requesting that the file be maintained.

c. Submit with the application the health service provider fee payable to the Board of Psychology. The fee is nonrefundable.

d. Renew the certificate biennially at the same time as the psychology license renewal fees are due.

**240.7(2) Requirements of the organized health service training program.** Internship programs in professional psychology that are accredited by the Commission on Accreditation of the American Psychological Association (APA) or that hold membership in the Association of Psychology Postdoctoral and Internship Centers (APPIC) are deemed approved. Applicants completing an organized health service training program that is not APA-approved or APPIC-designated at the time the applicant completes the training shall cause documentation to be sent from the program to establish that the program:

- a. Provides the intern with a planned, programmed sequence of training experiences.
- b. Has a clearly designated doctoral-level staff psychologist who is responsible for the integrity and quality of the training program and is actively licensed by the board of psychology in the jurisdiction in which the program exists.
- c. Has two or more doctoral-level psychologists on the staff who serve as primary supervisors and are actively licensed by the board of psychology in the jurisdiction in which the program exists.
- d. Has supervision that is provided by staff members of the organized health service training program or by an affiliate of the organized health service training program who carry clinical responsibility for the cases being supervised. At least half of the internship supervision shall be provided by one or more doctoral-level psychologists.
- e. Provides training in a range of psychological assessment and treatment activities conducted directly with recipients of psychological services.
- f. Ensures that trainees have a minimum of 375 hours of direct patient contact.
- g. Includes a minimum of two hours per week (regardless of whether the internship is completed in one year or two years) of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with psychological services rendered directly by the intern. There must also be at least two additional hours per week in learning activities such as case conferences involving a case in which the intern is actively involved, seminars dealing with clinical issues, cotherapy with a staff person including discussion, group supervision, and additional individual supervision.
- h. Has training that is at the postclerkship, postpracticum, and postexternship level.
- i. Has a minimum of two interns at the internship level of training during any period of training.
- j. Designates for internship-level trainees titles such as "intern," "resident," "fellow," or other designation of trainee status.
- k. Has a written statement or brochure which describes the goals and content of the internship, states clear expectations for quantity and quality of trainees' work and is made available to prospective interns.

l. Provides a minimum of 1500 hours of training experience that shall be completed in no less than 12 months within a 24-consecutive-month period.

[ARC 9937B, IAB 12/28/11, effective 2/1/12]

**645—240.8(154B) Exemption to licensure.** Psychologists residing outside the state of Iowa and intending to practice in Iowa under the provisions of Iowa Code section 154B.3(5) shall file a summary of intent to practice and provide verification of the license from the other jurisdiction. The summary shall be submitted to and approved by the board prior to practice in Iowa. The exemption shall be valid for 10 consecutive business days or not to exceed 15 business days in any 90-day period.

The summary and supporting documentation shall be accompanied by a check or money order for the processing fee for exemption to licensure pursuant to 645—Chapter 5. The fee is nonrefundable and shall be submitted payable to the Board of Psychology.

**645—240.9(154B) Psychologists' supervision of unlicensed persons in a practice setting.** The supervising psychologist shall:

1. Be vested with administrative control over the functioning of assistants in order to maintain ultimate responsibility for the welfare of every client. When the employer is a person other than the supervising psychologist, the supervising psychologist must have direct input into administrative matters.

2. Have sufficient knowledge of all clients, including face-to-face contact when necessary, in order to plan effective service delivery procedures. The progress of the work shall be monitored through such means as will ensure that full legal and professional responsibility can be accepted by the supervisor for all services rendered. Supervisors shall also be available for emergency consultation and intervention.

3. Provide work assignments that shall be commensurate with the skills of the supervisee. All procedures shall be planned in consultation with the supervisor.

4. Work in the same physical setting as the supervisee, unless other individual arrangements are approved by the board of psychology.

5. Make public announcement of services and fees; contact with laypersons or the professional community shall be offered only by or in the name of the supervising psychologist. Titles of unlicensed persons must clearly indicate their supervised status.

6. Provide specific information to clients when an unlicensed person delivers services to those clients, including disclosure of the unlicensed person's status and information regarding the person's qualifications and functions.

7. Inform clients of the possibility of periodic meetings with the supervising psychologist at the client's, the supervisee's or the supervisor's request.

8. Provide for setting and receipt of payment that shall remain the sole domain of the employing agency or supervising psychologist.

9. Establish and maintain a level of supervisory contact consistent with established professional standards, and be fully accountable in the event that professional, ethical or legal issues are raised.

10. Provide a detailed job description in which functions are designated at varying levels of difficulty, requiring increasing levels of training, skill and experience. This job description shall be made available to representatives of the board and service recipients upon request.

11. Be responsible for the planning, course, and outcome of the work. The conduct of supervision shall ensure the professional, ethical, and legal protection of the client and of the unlicensed persons.

12. Maintain an ongoing record of supervision which details the types of activities in which the unlicensed person is engaged, the level of competence in each, and the type and outcome of all procedures.

13. Countersign all written reports and communications as "Reviewed and Approved" by the supervising psychologist.

**645—240.10(147) Licensure by endorsement.** An applicant who has been a licensed psychologist at the doctoral level under the laws of another jurisdiction shall file an application for licensure by endorsement with the board office. The board may license by endorsement any applicant from the District of Columbia or another state, territory, province, or foreign country who:

**240.10(1)** Submits to the board a completed application.

**240.10(2)** Pays the licensure fee.



**240.10(3)** Provides verification of a current Certificate of Professional Qualification (CPQ) issued by the Association of State and Provincial Psychology Boards (ASPPB). Applicants providing certification are deemed to have met the requirements stated in paragraphs 240.10(3)“a” to “c.” The board may license by endorsement any other applicant who:

a. Provides one of the following: the official EPPP score sent directly to the board from the ASPPB or verification of the EPPP score sent directly from the state of initial licensure. The recommended passing score established by the ASPPB shall be considered passing.

b. Provides verification of license(s) from every jurisdiction in which the applicant has been licensed, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification direct from the jurisdiction’s board office if the verification provides:

- (1) Licensee’s name;
- (2) Date of initial licensure;
- (3) Current licensure status; and
- (4) Any disciplinary action taken against the license.

c. Shows evidence of licensure requirements that are substantially equivalent to those required in Iowa by one of the following means:

(1) Provides:

1. Official copies of academic transcripts that have been sent directly from the school; and
2. Satisfactory evidence of the applicant’s qualifications in writing on the prescribed forms by the applicant’s supervisors. If verification of professional experience is not available, the board may consider submission of documentation from the state in which the applicant is currently licensed or equivalent documentation of supervision; or

(2) Has an official copy of one of the following certifications sent directly to the board from the certifying organization:

1. Current credentialing at the doctoral level as a health service provider in psychology by the National Register of Health Service Providers in Psychology.

2. Board certification by the American Board of Professional Psychology that was originally granted on or after January 1, 1983.

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1029C, IAB 9/18/13, effective 10/23/13]

**645—240.11(147) Licensure by reciprocal agreement.** The board may enter into a reciprocal agreement with the District of Columbia or any state, territory, province or foreign country with equal or similar requirements for licensure in psychology.

**645—240.12(85GA,ch1043) Requirements for provisional licensure.** A provisional license shall not be granted unless the applicant has submitted a completed licensure application and the required licensure application fee.

**240.12(1)** An applicant for a provisional license shall provide the following:

a. A completed provisional license application. Applications are obtained and submitted via the board’s website at [ibplicense.iowa.gov](http://ibplicense.iowa.gov).

b. The provisional application fee payable to the Board of Psychology. The fee is nonrefundable.

**240.12(2)** The following documents must be received by the board office:

a. Official copies of academic transcripts sent directly from the school establishing that the requirements stated in 645—240.3(154B) are met; and

b. A completed supervision plan on the prescribed board form, signed by the applicant’s supervisors who meet the definition of “supervisor” in rule 645—240.1(154B). A change in a supervisor or in the supervision plan requires submission of a new supervision plan on the prescribed board form.

**240.12(3)** The provisional license is effective for two years from the date of issuance. A provisional license may be renewed one time for a period of two years upon submission of the following:

a. A provisional license renewal application;

b. A provisional license renewal fee; and

c. A current supervision plan as required in these rules.

[ARC 1834C, IAB 1/21/15, effective 2/25/15]

**645—240.13(147) License renewal.**

**240.13(1)** The biennial license renewal period for a license to practice psychology shall begin on July 1 of even-numbered years and end on June 30 of the next even-numbered year. The licensee is responsible for renewing the license prior to its expiration. Failure of the licensee to receive notice from the board does not relieve the licensee of the responsibility for renewing the license.

**240.13(2)** An individual who was issued a license within six months of the license renewal date will not be required to renew the license until the subsequent renewal date two years later.

**240.13(3)** A licensee seeking renewal shall:

*a.* Meet the continuing education requirements of rule 645—241.2(272C) and the mandatory reporting requirements of subrule 240.13(4). A licensee whose license was reactivated during the current renewal compliance period may use continuing education credit earned during the compliance period for the first renewal following reactivation; and

*b.* Submit the completed renewal application and renewal fee before the license expiration date.

**240.13(4)** Mandatory reporter training requirements.

*a.* A licensee who, in the scope of professional practice or in the licensee's employment responsibilities, examines, attends, counsels or treats children in Iowa shall indicate on the renewal application completion of two hours of training in child abuse identification and reporting as required by Iowa Code section 232.69(3) "b" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 240.13(4) "e."

*b.* A licensee who, in the course of employment, examines, attends, counsels or treats adults in Iowa shall indicate on the renewal application completion of training in dependent adult abuse identification and reporting as required by Iowa Code section 235B.16(5) "b" in the previous three years or condition(s) for waiver of this requirement as identified in paragraph 240.13(4) "e."

*c.* The course(s) shall be the curriculum provided by the Iowa department of human services.

*d.* The licensee shall maintain written documentation for three years after mandatory training as identified in paragraphs 240.13(4) "a" to "c," including program date(s), content, duration, and proof of participation.

*e.* The requirement for mandatory training for identifying and reporting child and dependent adult abuse shall be suspended if the board determines that suspension is in the public interest or that a person at the time of license renewal:

(1) Is engaged in active duty in the military service of this state or the United States.

(2) Holds a current waiver by the board based on evidence of significant hardship in complying with training requirements, including an exemption of continuing education requirements or extension of time in which to fulfill requirements due to a physical or mental disability or illness as identified in rule 645—4.14(272C).

*f.* The board may select licensees for audit of compliance with the requirements in paragraphs 240.13(4) "a" to "e."

**240.13(5)** Upon receiving the information required by this rule and the required fee, board staff shall administratively issue a two-year license and shall send the licensee a wallet card by regular mail. In the event the board receives adverse information on the renewal application, the board shall issue the renewal license but may refer the adverse information for further consideration or disciplinary investigation.

**240.13(6)** A person licensed to practice as a psychologist shall keep the person's license certificate and wallet card(s) displayed in a conspicuous public place at the primary site of practice.

**240.13(7)** Late renewal. The license shall become late when the license has not been renewed by the expiration date on the wallet card. The licensee shall be assessed a late fee as specified in 645—subrule 5.16(3).

*a.* To renew a late license, the licensee shall complete the renewal requirements and submit the late fee within the grace period.

*b.* No continuing education shall be required.

**240.13(8)** Inactive license. A licensee who fails to renew the license by the end of the grace period has an inactive license. A licensee whose license is inactive continues to hold the privilege of licensure in Iowa, but may not practice as a psychologist or health service provider in psychology in Iowa until the

license is reactivated. A licensee who practices as a psychologist or health service provider in psychology in the state of Iowa with an inactive license may be subject to disciplinary action by the board, injunctive action pursuant to Iowa Code section 147.83, criminal sanctions pursuant to Iowa Code section 147.86, and other available legal remedies.

[ARC 9937B, IAB 12/28/11, effective 2/1/12; ARC 1834C, IAB 1/21/15, effective 2/25/15; ARC 5073C, IAB 7/1/20, effective 8/5/20]

**645—240.14(17A,147,272C) License reactivation.** To apply for reactivation of an inactive license, a licensee shall:

**240.14(1)** Submit a reactivation application on a form provided by the board.

**240.14(2)** Pay the reactivation fee that is due as specified in 645—Chapter 5.

**240.14(3)** Provide verification of current competence to practice as a psychologist or health service provider in psychology by satisfying one of the following criteria:

*a.* If the license has been on inactive status for five years or less, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 40 hours of continuing education within two years of application for reactivation.

*b.* If the license has been on inactive status for more than five years, an applicant must provide the following:

(1) Verification of the license(s) from every jurisdiction in which the applicant is or has been licensed and is or has been practicing during the time period the Iowa license was inactive, sent directly from the jurisdiction(s) to the board office. Web-based verification may be substituted for verification from a jurisdiction's board office if the verification includes:

1. Licensee's name;
2. Date of initial licensure;
3. Current licensure status; and
4. Any disciplinary action taken against the license; and

(2) Verification of completion of 80 hours of continuing education within two years of application for reactivation.

[ARC 1834C, IAB 1/21/15, effective 2/25/15]

**645—240.15(17A,147,272C) License reinstatement.** A licensee whose license has been revoked, suspended, or voluntarily surrendered must apply for and receive reinstatement of the license in accordance with 645—11.31(272C) and must apply for and be granted reactivation of the license in accordance with 645—240.14(17A,147,272C) prior to practicing as a psychologist or health service provider in psychology in this state.

[ARC 1834C, IAB 1/21/15, effective 2/25/15]

These rules are intended to implement Iowa Code chapters 17A, 147, and 272C.

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[Filed ARC 5073C (Notice ARC 4934C, IAB 2/26/20), IAB 7/1/20, effective 8/5/20]

◊ Two or more ARCs

**PUBLIC SAFETY DEPARTMENT[661]**

Rules transferred from agency number 680 to 661 to conform with the reorganization numbering scheme in general

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**661—278.1(272C) Definitions.** The following definitions apply to this chapter.

*“Department”* means the department of public safety.

*“Division”* means the state fire marshal division of the department of public safety.

*“Military service”* means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

*“Military service applicant”* means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

*“Spouse”* means a spouse of an active duty service member of the military forces of the United States.

*“Veteran”* means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).  
[ARC 4584C, IAB 7/31/19, effective 9/4/19; ARC 5074C, IAB 7/1/20, effective 8/5/20]

**661—278.2(272C) Military education, training, and service credit.** A military service applicant may apply for credit for verified military education, training, or service, toward any experience or educational requirement for licensure, by submitting a military service application form to the division.

**278.2(1)** The military service application may be submitted with an application for licensure, or prior to applying for licensure. No fee is required for the submission of an application for military service credit.

**278.2(2)** The military service applicant shall identify the experience or educational licensure requirement for which the credit would be applied, if granted.

**278.2(3)** The military service applicant shall provide military transcripts, a certified affidavit, or documents that verify completion of the relevant military education, training, or service. These documents may include the military service applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

**278.2(4)** Upon receipt of a completed military service application, the division shall promptly determine whether the verified military education, training, or service will satisfy all or part of the identified experience or educational qualifications for licensure.

**278.2(5)** The division shall grant credit for the military service application, in whole or in part, if the division determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

**278.2(6)** The division shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure, or explain why no credit was granted. The military service applicant may request reconsideration.

**278.2(7)** A military service applicant who is aggrieved by the division’s decision may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division’s decision. There are no fees or costs assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

**278.2(8)** The division shall grant or deny the military service application prior to ruling on the application for licensure. The military service applicant shall not be required to submit any fees in connection with the licensure application unless the division grants the military service application. If the division does not grant the military service application, the military service applicant may withdraw the licensure application or request that the licensure application be placed in pending status for up to one year, unless otherwise mutually agreed upon. The withdrawal of a licensure application shall

not preclude subsequent military service applications or licensure applications, supported by additional documentation or information.

[ARC 4584C, IAB 7/31/19, effective 9/4/19]

**661—278.3(272C) Veteran and spouse of active duty service member reciprocity.**

**278.3(1)** A veteran or a spouse with a fire protection or alarm system license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for fire protection and alarm systems licensees as set out in the administrative rules in effect at the time that the application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A fully completed licensure application submitted by a veteran or a spouse under this subrule is to be given priority and is expedited.

**278.3(2)** A licensure application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity. This information includes, but is not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary history and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

**278.3(3)** Upon receipt of a fully completed licensure application, the division shall promptly determine if the licensing requirements of the jurisdiction where the applicant is licensed are substantially equivalent to the licensing requirements in Iowa. The division shall make this determination based on information supplied by the applicant and additional information the division may acquire from the applicable jurisdiction. The division may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

**278.3(4)** The division shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to the licensing requirements in Iowa, unless the applicant is ineligible for licensure based on other grounds, such as the applicant's disciplinary or criminal history.

**278.3(5)** If the division determines that the licensing requirements of the jurisdiction in which the applicant is licensed are not substantially equivalent to the licensing requirements in Iowa, the division shall promptly inform the applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal history, the following shall apply:

*a.* If an applicant has not obtained the required certification for licensure, the applicant may not be issued a provisional license but may request that the licensure application be placed in pending status for up to one year, or as mutually agreed upon, to provide the applicant with the opportunity to satisfy the certification requirements.

*b.* If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the division issue a provisional license for a specified period of time, during which the applicant will successfully complete the necessary experience or education. The division shall issue a provisional license for a specified period of time upon such conditions as the division deems reasonably necessary to protect the health, welfare, or safety of the public unless the division determines that the deficiency is of a character that the public health, welfare, or safety will be adversely affected if a provisional license is granted.

*c.* If a request for a provisional license is denied, the division shall notify the applicant in writing, explaining the decision, and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

*d.* If a provisional license is issued, the application for full licensure is placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever comes first. The division may extend a provisional license on a case-by-case basis for good cause.

**278.3(6)** An applicant who is aggrieved by the division's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in the contested case by telephone. A request for a contested case shall be made within 30 days of the issuance of the division's decision. There are no fees or costs assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

[ARC 4584C, IAB 7/31/19, effective 9/4/19; ARC 5074C, IAB 7/1/20, effective 8/5/20]

These rules are intended to implement Iowa Code section 272C.4.

[Filed ARC 4584C (Notice ARC 4475C, IAB 6/5/19), IAB 7/31/19, effective 9/4/19]

[Filed ARC 5074C (Notice ARC 5025C, IAB 4/8/20), IAB 7/1/20, effective 8/5/20]





## CHAPTER 506

## MILITARY SERVICE, VETERAN RECIPROCITY, AND SPOUSES OF ACTIVE DUTY SERVICE MEMBERS FOR ELECTRICIANS AND ELECTRICAL CONTRACTORS

**661—506.1(272C) Definitions.**

*“Board”* means the electrical examining board established in Iowa Code section 103.2.

*“Military service”* means honorably serving on federal active duty, state active duty, or national guard duty, as defined in Iowa Code section 29A.1; in the military services of other states, as provided in 10 U.S.C. Section 101(c); or in the organized reserves of the United States, as provided in 10 U.S.C. Section 10101.

*“Military service applicant”* means an individual requesting credit toward licensure for military education, training, or service obtained or completed in military service.

*“Spouse”* means a spouse of an active duty service member of the military forces of the United States.

*“Veteran”* means an individual who meets the definition of “veteran” in Iowa Code section 35.1(2).  
[ARC 1867C, IAB 2/18/15, effective 3/25/15; ARC 5074C, IAB 7/1/20, effective 8/5/20]

**661—506.2(272C) Military education, training, and service credit.** A military service applicant may apply for credit for verified military education, training, or service toward any experience or educational requirement for licensure by submitting a military service application form to the board office.

**506.2(1)** The application may be submitted with an application for licensure or examination, or prior to applying for licensure or to take an examination. No fee is required for the submission of an application for military service credit.

**506.2(2)** The applicant shall identify the experience or educational licensure requirement to which the credit would be applied if granted. Credit shall not be applied to an examination requirement.

**506.2(3)** The applicant shall provide documents, military transcripts, a certified affidavit, or forms that verify completion of the relevant military education, training, or service, which may include, when applicable, the applicant’s Certificate of Release or Discharge from Active Duty (DD Form 214) or Verification of Military Experience and Training (VMET) (DD Form 2586).

**506.2(4)** Upon receipt of a completed military service application, the board shall promptly determine whether the verified military education, training, or service will satisfy all or any part of the identified experience or educational licensure requirement.

**506.2(5)** The board shall grant credit requested in the application in whole or in part if the board determines that the verified military education, training, or service satisfies all or part of the experience or educational qualifications for licensure.

**506.2(6)** The board shall inform the military service applicant in writing of the credit, if any, given toward an experience or educational qualification for licensure, or explain why no credit was granted. The applicant may request reconsideration.

**506.2(7)** A military service applicant who is aggrieved by the board’s decision may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the board’s decision. There shall be no fees or costs assessed against the military service applicant in connection with a contested case conducted pursuant to this subrule.

**506.2(8)** The board shall grant or deny the military service application prior to ruling on the application for licensure. The applicant shall not be required to submit any fees in connection with the licensure application unless the board grants the military service application. If the board does not grant the military service application, the applicant may withdraw the licensure application or request that the application be placed in pending status for up to one year or as mutually agreed. The withdrawal of a licensure application shall not preclude subsequent applications supported by additional documentation or information.

[ARC 1867C, IAB 2/18/15, effective 3/25/15; ARC 5074C, IAB 7/1/20, effective 8/5/20]

**661—506.3(272C) Veteran and spouse of active duty service member reciprocity.**

**506.3(1)** A veteran or a spouse with an electrical license in another jurisdiction may apply for licensure in Iowa through reciprocity, based on the reciprocity procedures for licensed electricians as set out in the administrative rules in effect at the time that the application is made, and in compliance with any agreements with other jurisdictions regarding reciprocity. A veteran or a spouse must pass any examinations required for licensure to be eligible for licensure through reciprocity. A fully completed application for licensure submitted by a veteran or a spouse under this subrule shall be given priority and shall be expedited.

**506.3(2)** An application shall contain all of the information required of all applicants for licensure who hold unrestricted licenses in other jurisdictions and who are applying for licensure by reciprocity, including, but not limited to, completion of all required forms, payment of applicable fees, disclosure of criminal or disciplinary histories and, if applicable, a criminal history background check. In addition, the applicant shall provide such documentation as is reasonably needed to verify the applicant's status as a veteran under Iowa Code section 35.1(2) or spouse of an active duty service member of the military forces of the United States.

**506.3(3)** Upon receipt of a fully completed licensure application, the board shall promptly determine if the licensing requirements of the jurisdiction where the applicant is licensed are substantially equivalent to the licensing requirements in Iowa. The board shall make this determination based on information supplied by the applicant and such additional information as the board may acquire from the applicable jurisdiction. The board may consider the following factors in determining substantial equivalence: scope of practice, education and coursework, degree requirements, and postgraduate experiences.

**506.3(4)** The board shall promptly grant a license to the applicant if the applicant is licensed in the same or similar profession in another jurisdiction whose licensure requirements are substantially equivalent to those required in Iowa, unless the applicant is ineligible for licensure based on other grounds, for example, the applicant's disciplinary or criminal background.

**506.3(5)** If the board determines that the licensure requirements in the jurisdiction in which the applicant is licensed are not substantially equivalent to those required in Iowa, the board shall promptly inform the applicant of the additional experience, education, or examinations required for licensure in Iowa. Unless the applicant is ineligible for licensure based on other grounds, such as disciplinary or criminal background, the following shall apply:

*a.* If an applicant has not passed the required examination(s) for licensure, the applicant may not be issued a provisional license but may request that the application be placed in pending status for up to one year or as mutually agreed to provide the applicant with the opportunity to satisfy the examination requirements.

*b.* If additional experience or education is required for the applicant's qualifications to be considered substantially equivalent, the applicant may request that the board issue a provisional license for a specified period of time during which the applicant will successfully complete the necessary experience or education. The board shall issue a provisional license for a specified period of time upon such conditions as the board deems reasonably necessary to protect the health, welfare or safety of the public unless the board determines that the deficiency is of a character that the public health, welfare or safety will be adversely affected if a provisional license is granted.

*c.* If a request for a provisional license is denied, the board shall issue an order fully explaining the decision and shall inform the applicant of the steps the applicant may take in order to receive a provisional license.

*d.* If a provisional license is issued, the application for full licensure shall be placed in pending status until the necessary experience or education has been successfully completed or the provisional license expires, whichever comes first. The board may extend a provisional license on a case-by-case basis for good cause.

**506.3(6)** An applicant who is aggrieved by the board's decision to deny an application for a reciprocal license or a provisional license or is aggrieved by the terms under which a provisional license will be granted may request a contested case (administrative hearing) and may participate in a contested case by telephone. A request for a contested case shall be made within 30 days of issuance of the

board's decision. There shall be no fees or costs assessed against the applicant in connection with a contested case conducted pursuant to this subrule.

[**ARC 1867C**, IAB 2/18/15, effective 3/25/15; **ARC 5074C**, IAB 7/1/20, effective 8/5/20]

These rules are intended to implement Iowa Code chapter 272C.

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